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United Nations Office on Drugs and Crime



Smuggling of Migrants

**A Global Review and Annotated Bibliography
of Recent Publications**

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List of Abbreviations and Acronyms

AIC	Australian Institute of Criminology
CRS	Congressional Research Service
EU	European Union
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GAO	United States Government Accountability Office
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
Trafficking in Persons Protocol	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime (2000)
Migrant Smuggling Protocol	UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention Against Transnational Organized Crime (2000)

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1 Introduction

The purpose of this thematic review is to survey existing sources and research papers on migrant smuggling and to provide a gap analysis of existing knowledge from a global perspective. Indeed, despite the fact that migrant smuggling has attracted great media and political attention over the last two decades, there has not been any comprehensive analysis of the state of expert knowledge. Great confusion still prevails about what is migrant smuggling within the global context of irregular migration.

Smuggling of migrants is a crime defined under international law as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State of which the person is not a national or a permanent resident”, according to the definition of Article 3 (1) of the Protocol against the Smuggling of Migrants by Land, Sea and Air – commonly referred to as the *Migrant Smuggling Protocol* – supplementing the United Nations Convention Against Transnational Organized Crime.¹

In order to comply with the Migrant Smuggling Protocol, Article 6 also requires States to criminalize both smuggling of migrants and enabling of a person to remain in a country illegally in order to obtain, directly or indirectly, a financial or other material benefit as well as aggravating circumstances that endanger lives or safety, or entail inhuman or degrading treatment of migrants. By virtue of Article 5, migrants shall not become liable to criminal prosecution for the fact of having been smuggled under the Migrant Smuggling Protocol. It is therefore to be understood that the Migrant Smuggling Protocol aims to target migrant smugglers, not the people being smuggled.²

While most researchers refer to the Migrant Smuggling Protocol, some authors have developed a broader definition referring to the sociological characteristics of migrant smuggling. According to Van Liempt, a broader definition is necessary in order to properly reflect the changing character of intermediary structures in international migration processes and to shed a light on the possible criminal character of smuggling. From a sociological perspective, migrant smuggling may then include every act lying on a continuum between altruism and organized crime.³ Doomernik defines migrant smuggling as “every act whereby an immigrant is assisted in crossing international borders whereby this crossing is not endorsed by the government of the receiving state, neither implicitly nor explicitly”.⁴

1 UN G.A. Res. 55/25, 55th session, 8 January 2001, entered into force on 28 January 2004.

2 UNODC, A short introduction to migrant smuggling, Migrant Smuggling Issue Paper n°1, 2010; see also NESKE Matthias, “Human smuggling to and through Germany”, International Migration, vol. 44 n°4 2006.

3 VAN LIEMPT Ilse, “The social organization of assisted migration”, IMES, Institute for Migration and Ethnic Studies, Amsterdam, paper presented at the 8th Metropolis Conference in Vienna, September 2003.

4 DOOMERNIK Jeroen, “Tussen daar en hier : van werving tot smokkel”, Tijdschrift voor criminology, 4 jaargang 43, 2001 quoted p. 4 in VAN LIEMPT Ilse, “The social organization of assisted migration”, opus cit.

To the extent that the literature available making a distinction to be made, the issues of “irregular migration” and “trafficking in persons” are deliberately not covered *per se* by this thematic review,⁵ despite the fact that these phenomena are closely connected with migrant smuggling in practice.

The *overall objective of the report is to enhance the concrete understanding of this phenomenon* by looking at the following issues:

- Chapter 2 will look at legal definitions of closely connected issues and the conceptualization of migrant smuggling;
- Chapter 3 will look at the methodology currently applied for researching migrant smuggling;
- Chapter 4 will discuss the strengths and limitations of the methods used to quantify irregular migration and migrant smuggling. It will also consider the current state of knowledge – or lack thereof – regarding smuggling trends, geography and organization of travel in different regions;
- Chapter 5 will include a discussion about the motivations (root causes) and profile of smuggled migrants;
- Chapter 6 will discuss the profile of migrant smugglers and motivations;
- Chapter 7 will analyse smuggler-migrant relationships;
- Chapter 8 will discuss the organizational structures of smuggling networks in different regions of the world;
- Concrete recruitment processes and fees are discussed in chapter 9. The different methods to smuggle (basic transfer services versus all-inclusive service with travel visa smuggling, forged documents) but also the role of corruption as a cause and consequence of migrant smuggling will be considered;
- Chapter 10 will be devoted to the human and social costs of migrant smuggling.

⁵ There is no universally accepted definition of irregular migration. Article 3(2) of the Migrant Smuggling Protocol states that “illegal migration shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State”. However, the glossary of the International Organization for Migration (IOM) states that irregular migration “refers broadly to the most common forms of irregular migration, notably illegal entry, overstaying and unauthorized work and are defined as movement that takes place outside the regulatory norms of sending, transit and receiving countries”, Glossary on Migration: International Migration Law, IOM.

The research is based on literature available in English and French language, such as journalistic books, reports and academic articles. Research reports published by international organizations and NGOs were also considered.

Neither the annotated bibliography, nor the thematic review pretends to be comprehensive. Rather, they are conceived as a summary of existing knowledge and identified gaps based on the most recent and relevant research available.

It is to be stressed that the level of information available under the different thematic and regional subsections varies greatly due to the imbalance in the quality and the quantity of the research available. Due to the abundance of literature produced by Western authors – and more particularly Europeans – the literature review may also suffer from a Eurocentric perspective, despite efforts made to remain impartial and objective.

While structuring the review of literature in thematic chapters, each section of the report is also divided into regional sub-chapters in order to better illustrate knowledge, gaps and specific issues as appropriate. The review adopts the following geographical classification:

- Europe (Eastern Europe and Central Asia; Western and Central Europe);
- Africa (West and Central Africa, East Africa, North Africa, Southern Africa);
- Americas (North America, Central America and the Caribbean, South America);
- Asia (East Asia and the Pacific; South and West Asia);

However, given inter-regional smuggling trends, certain paragraphs depart from this geographical classification and the author has taken the liberty to group certain information for the sake of better clarity.

2 Conceptual challenges

This chapter will focus on main features of the problem and different ways to define and conceptualize migrant smuggling. The first section (2.1) will discuss the prevailing confusion between migrant smuggling and concepts such as irregular migration and trafficking in persons. As further in chapter 4, this confusion may lead to difficulties in quantifying the phenomenon of migrant smuggling as statistical data released often do not clearly distinguish between irregular migration, trafficking and smuggling. This chapter will then look at the different ways scholars have featured migrant smuggling (migration business; organized crime - security threat; family business) (2.2). Throughout this chapter, the respective influence of certain theories and concepts on decision-makers and academic circles will be highlighted.

2.1 Migrant smuggling and the concepts of irregular migration and trafficking in persons

2.1.1 Irregular migration

The relationship between irregular migration and migrant smuggling has been discussed in the literature, with most authors acknowledging the crucial role of migrant smuggling in facilitating irregular migration.

The legal definition of migrant smuggling finds wide acceptance amongst the academic community which usually refers to Articles 3 and 6 of the Migrant Smuggling Protocol. Contrary to the concept of smuggling, the notion of irregular migration does not have a universally accepted definition but most academics and experts refer to the definition provided by the IOM which highlights that the most common forms of irregular migration are “illegal entry, overstaying and unauthorized work”.

In looking at the relationship between the two concepts, Friedrich Heckmann stresses that migrant smuggling plays a crucial role in facilitating irregular migration as smugglers may provide a wide range of services ranging from physical transportation and illegal crossing of a border to the procurement of false documents.⁶

2.1.2 Trafficking in persons

Migrant smuggling must also be differentiated from the concept of ‘trafficking in persons’ defined under Article 3 of the Trafficking in Persons Protocol as:

6 HECKMANN Friedrich, “Towards a better understanding of human smuggling”, IMISCOE Policy Brief n°5, Europäisches Forum für Migrationsstudien (2007).

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁷

The academic debate over precise definitions for the concepts of trafficking and smuggling appears only after the second half of the 1990s, but those concepts were still used interchangeably in academic literature and expert reports published by inter-governmental organizations in the early 2000s.⁸ Despite efforts made by scholars to compare and clarify the respective scope of the concepts of smuggling and trafficking, one can still find an improper use of terms in the research, leading to confusion regarding both the quantitative and qualitative analysis of these phenomena.⁹

According to UNODC, there are three basic differences between migrant smuggling and human trafficking as summarized below:¹⁰

- *Source of profit*: The primary source of profit and thus also the primary purpose of human trafficking is exploitation. In contrast, smugglers generate their profit through facilitating illegal entry or stay. After having enabled a migrant to illegally enter or stay in a country the relationship between migrant and smuggler usually ends.
- *Transnationality*: Migrant smuggling always has a transnational dimension involving at least two countries. The objective of migrant smuggling is always to facilitate the illegal entry or stay of a person from country A in(to) country B. Human trafficking may also involve the illegal entry or stay of a person, but it does not always. The transportation and stay of a victim of human trafficking can also occur in a legal way. That is, victims of trafficking are not limited to the group of people who do not have legal opportunities to migrate. Moreover, human trafficking may occur within the home country of the victim without involving any border crossings.
- *Victimization*: Migrant smuggling does not necessarily involve the victimization of the migrant. Migrants smuggled generally consent to be smuggled. However, often other crimes are committed against smuggled migrants during the smuggling process such as violence or crimes having to do with endangering their lives. It does not exclude either

7 See Article 3 (a) of the UN Trafficking in Persons Protocol.

8 See for example SALT John, “Trafficking and human smuggling: a European perspective”, International Migration, Special Issue 2000/1; UNICRI and AIC, Rapid assessment: human smuggling and trafficking from the Philippines, November 1999, doc. A/CONF.187/CRP.1, April 2000.

9 See for instance, BUCKLAND Benjamin, “Human trafficking and smuggling: crossover and overlap”, pp. 137-166 in FRIESENDORF Cornelius (ed.), Strategies against human trafficking: the role of security sector, Study Group Information, Geneva, 2009; OLLUS Natalia, “Protocol against the smuggling of migrants by land, air and sea, supplementing the UN Convention against transnational organized crime: a tool for criminal justice personnel”, Research Paper presented at the 122nd international training course, European Institute for Crime Prevention and Control, 2000, HEUNI; AIC, “People smuggling versus trafficking in persons, what is the difference?”, Transnational Crime brief, n° 2 2008, <http://www.aic.gov.au/>; SALT John, “Trafficking and human smuggling: a European perspective”, opus cit.

10 UNODC, A short introduction to migrant smuggling, Migrant Smuggling Issue Paper n°1, 2010.

the possibility that smuggled migrants might retract their consent during a smuggling operation.¹¹ In contrast to migrant smuggling, human trafficking is always a crime against a person. Victims of trafficking have either never consented – e.g. if they have been abducted or sold – or, if they have given initial consent, their consent became meaningless, by the means the traffickers used to gain control over the victim, such as deception or violence.

The blurred relationship between these two concepts has been discussed intensively by academics,¹² some authors arguing that there is no distinction in practice as migrants may voluntarily use the services of smugglers and then find themselves in coercive situations and thus become the victims of traffickers.¹³ The closeness between migrant smuggling and trafficking was highlighted by Webb and Burrows in a post-conviction study based on interviews with convicted smugglers and traffickers that was published in July 2009 by the UK Home Office. According to them, activities of trafficking and smuggling overlap, and the overall market can be presented as a continuum between these two extremes, where many initial ‘clients’ of smuggling operations can end up as victims of traffickers.¹⁴ The fact that these two concepts are so closely connected in practice explains why most pieces of literature reviewed touch upon both subjects, although more specialized literature focusing predominantly on smuggling has emerged fairly recently.¹⁵

Beyond the academic discussion, the distinction between trafficked and smuggled migrants has important practical and legal consequences. Trafficked persons qualify as victims and are entitled to legal protection and financial compensation. Whilst acknowledging that the adoption of agreed definitions under the two Protocols is a major achievement, Gallagher, then UN High Commissioner for Human Rights representative, initially argued that the imbalance in the regime created by the two Protocols is a clear incentive for national authorities to identify irregular migrants as having been smuggled rather than trafficked.¹⁶ She however refined her judgment in an article published in 2009 where she stressed that protection of the rights of migrants is one of the main objectives of the Migrant Smuggling Protocol. According to that

11 According to the UN Special Rapporteur on the human rights of migrants, the issue of migrants’ consent to be smuggled is very complex. Once an irregular migrant is intercepted, it is up to the States to determine the migrant’s level of complicity in the mode of irregular entry. Much latitude is then left for the assignment of culpability or, by contrast, of victimization, which impacts on the level of protection that the migrants may receive. See Report of 25 February 2008, A/HRC/712.

12 See TAILBY Rebecca, “Organized crime and people smuggling – trafficking to Australia”, AIC, Trends and Issues in crimes and criminal law justice, vol. 208, May 2001. This paper argues that “smuggling” and “trafficking” in human beings are similar concepts. Although in theory there are some important points of distinction, in practice the boundary between these concepts can become blurred.

13 P. 167 in ARONOWITZ Alexis, “Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it”, European Journal on Criminal Policy and Research, summer 2001, vol. 9, p. 163-195.

14 WEBB Sarah and BURROWS John, “Organized immigration crime: a post-conviction study”, Research Report n°15 UK Home Office, 1st July 2009, ISBN 978 1 84 726 946 1.

15 See for instance DANIEL Serge, *Les routes clandestines. L’Afrique des immigrés et des passeurs*, Hachette, 2006; ZHANG Sheldon, *Smuggling and trafficking in human beings. All roads lead to America*, Praeger ed. 2007, 212 p.; KYLE David and KOSLOWSKI Rey (ed.), *Global Human Smuggling. Comparative Perspectives*, the John Hopkins University Press, Baltimore, 2001.

16 GALLAGHER Anne, “Trafficking, smuggling and human rights: tricks and treaties”, *Forced Migration Review*, vol. 12, 2002.

treaty, States have an obligation to preserve and protect the fundamental rights of smuggled migrants, in particular if their lives and safety are endangered through the smuggling process.¹⁷ Empirical research has however highlighted that many countries continue to detain and convict smuggled migrants while failing to find better ways to censure the smugglers, who presently enjoy considerable scope for impunity.¹⁸

2.2 Conceptualization of migrant smuggling

2.2.1 *Smuggling as an (illegal) migration business*

The idea to conceptualize smuggling as a ‘migration business’ was formally developed by Salt and Stein in 1997,¹⁹ even if one may find reference to this theory in the earlier literature.²⁰ This new interpretation of the smuggling phenomenon had a great influence on academic-circles and the concept was then borrowed by many academics. In a critical analysis of this concept, Herman stresses that the focus of expert discussions then revolved around the notion of ‘migration industry’ and its ‘professionalization’, in which “migrants are seen as “products” and “people who aid migrants are called ‘smugglers’, and are portrayed as illegal ‘entrepreneurs’”.²¹

Salt and Stein suggested treating international migration as a global business which has both legitimate and illegitimate sides. The migration business is conceived as a system of institutionalized networks with complex profit and loss accounts, including a set of institutions, agents and individuals each of which stands to make a commercial gain.

The model conceives trafficking and smuggling as an intermediary part of the global migration business facilitating movement of people between origin and destination countries. The model is divided into three stages: the mobilization and recruitment of migrants; their movement en route; and their insertion and integration into labour markets and host societies within destination countries.²² Salt and Stein also conclude their theory by the need to look at immigration controls in a new way, placing sharper focus on the institutions and vested interests involved rather than on the migrants themselves.²³

17 P. 839 in GALLAGHER Anne, “Human Rights and human trafficking quadgmire or fire ground? A response to James Hathaway”, *Virginia Journal of International Law*, vol. 49 n° 4, 2009, pp. 789-848. On this issue see also OBOKATA Tom, “Smuggling of Human beings from a human rights perspective: Obligations of non-State and State actors under International Human Rights law”, *International Journal of Refugee Law*, vol. 17 n°2, 2005, p. 394-415.

18 See p. 133 in IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, IOM publishers, April 2009.

19 SALT John and STEIN Jeremy, “Migration as a business: the case of trafficking”, *International Migration*, vol. 35 n° 4, 1997.

20 KOSER Khalil, “Negotiating entry into ‘Fortress Europe’: the migration strategies of ‘spontaneous’ asylum seekers”, quoted in SALT John and STEIN Jeremy, “Migration as a business: the case of trafficking”, opus cit. p. 474.

21 HERMAN Emma, “Migration as a family business: the role of personal networks in the mobility phase of migration”, *International Migration* vol.44 n°4, 2006.

22 SALT John and STEIN Jeremy, “Migration as a business: the case of trafficking”, opus cit., p. 479.

23 SALT John and STEIN Jeremy, “Migration as a business: the case of trafficking”, opus cit., p. 485.

Aranowitz upholds a similar view and claims that smuggling could not have grown to such proportions if it were not supported by powerful market forces.²⁴ Furthermore, Aranowitz argues that smugglers exhibit an entrepreneur-like behaviour and circumvent legal requirements through *inter alia* corruption, deceit, and threats.²⁵ They specialize either in smuggling or in trafficking services according to the kind of profit generated.²⁶

The 'migration business' theory seems still to be dominant in the literature analysing smuggling trends in North America, South-East Asia and Pacific region, where smugglers are portrayed as 'migration merchants', while the smuggled migrants are clients paying for a service.²⁷ However, it seems that academic views have evolved recently with greater numbers of authors, such as Zhang and Herman,²⁸ looking at the role of family members and social networks in the smuggling process. While still endorsing the 'migration business' theory, authors such as Doomernik and Kyle call for a more nuanced approach as the empirical reality includes a mix of people with both altruistic and profit-making goals.²⁹ Empirical research led by Van Liempt and Doomernik in 2003-2004 in the Netherlands looked at how migrant smugglers may depict themselves as servicing migrants rather than as profit-makers despite the fees involved. Equally migrants may not use the word 'smugglers' when they talk about the person that 'helped' them.³⁰ According to Aranowitz, the 'Mother of All Snakeheads' - a major Chinese smuggler - is probably the symbol of the dual reality of migrant smuggling, as she was a revered figure in New York's Chinatown and considered a saint for 'reuniting families'.³¹

The importance of altruistic motivation in the 'smuggling business' is also mentioned in the academic literature produced by authors who specialize in the study of the smuggling phenomenon in the Mediterranean region, such as Pastore and Monzini,³² but also increasingly

24 ARONOWITZ Alexis, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit., p. 171.

25 ARONOWITZ Alexis, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit., p. 172.

26 Please see above 2.1.2.

27 SCHLOENHARDT Andreas. "Organized Crime and the Business of Migrant Trafficking. An Economic Analysis" AIC, Occasional Seminar Paper, Canberra, 10 November 1999. <http://www.aic.gov.au/conferences/occasional/schloenhardt.pdf>; KYLE David and LIANG Zai, "Migration merchants: human smuggling from Ecuador and China", working paper 43, The Centre for comparative Studies, University of California, San Diego, October 2001.

28 ZHANG Sheldon, Chinese human smuggling organizations: families, social networks, and cultural imperatives, Stanford University Press, 2008; HERMAN Emma, "Migration as a family business: the role of personal networks in the mobility phase of migration", International Migration, vol.44 n°4, 2006.

29 DOOMERNIK Jeroen and KYLE David, "Organized Migrant Smuggling and State Control: Conceptual and Policies changes", introduction to 'Special issue of the Journal of International Migration and Integration', volume 4 n°3, 2004.

30 VAN LIEMPT Ilse and DOOMERNIK Jeroen: "Migrants agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands", International Migration Journal, vol. 44 (4) 2006; See also VAN LIEMPT Ilse, "Inside perspective on the process of human smuggling", IMISCOE Policy Brief, n°3, 2007, available at <http://www.imiscoe.org/publications/policybriefs/index.html>

31 ARONOWITZ Alexis, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit. p. 177:

32 PASTORE Ferruccio, MONZINI Paola, SCIORTINO Giuseppe, "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", International Migration Journal, vol. 44 n°4 2006.

by experts focusing on smuggling trends from and within West Africa that highlight the (ambiguous) role of relatives and social networks in the recruitment of smuggled migrants. This will be discussed further in chapters 5 and 8.³³

2.2.2 *Smuggling as a security threat (organized crime)*

Although primarily focused on the economic aspects of smuggling, the ‘smuggling business’ theory also looks at the link between smuggling networks and organized crime syndicates. According to Salt and Stein, migrant smuggling is an established branch of well organized “international gangster syndicate”.³⁴

The concept of ‘organized criminal group’ has been defined by Article 2 (a) of the UN Convention against Transnational Organized Crime as a structured group composed of at least three persons, acting in concert with the aim of committing one or more serious crimes, aiming to obtain financial or material benefit.³⁵ However, in many of the publications, the concept of ‘organized crime’ is used in a generic sense without referring to the UN definition. Naylor has argued that organized crime groups differ from other crime groups in that they specialize in enterprise, have a durable hierarchical structure, employ systemic violence and corruption, and extend their activities into the legal economy.³⁶

It is almost idiomatic to equate organized crime with migrant smuggling and trafficking in persons. According to Bhabha, there is a widely held view that migrant smuggling consists of a “transnational highly structured and tightly controlled multi-million dollar, mafia-like criminal network, transporting in addition to humans, weapons, organs and drugs”.³⁷ Another typical characterization can be found in Ko-Lin Chin, according to whom the Chinese smuggling network can be compared to a dragon: “although it is a lengthy creature, various organic parts are tightly linked”.³⁸

However, opinions appear to be divided as to the extent to which international organized crime groups are involved in migrant smuggling. As highlighted by Van Liempt, sources have strong (but often contradictory) views on how smugglers work together.³⁹

33 CARLING Jorgen, “Migration, Human Smuggling and Trafficking from Nigeria to Europe”, IOM Migration Research Series n°23, 2006 ; See also p. 28 in CHARRIERE Florianne et FRESIA Marion, L’Afrique de l’Ouest comme espace migratoire et espace de protection, UNHCR working paper, November 2008.

34 SALT John and STEIN Jeremy, “Migration as a business: the case of trafficking”, opus cit., p. 472.

35 UN General Assembly 55/25 of 15 November 2000.

36 NAYLOR R.T., “Mafias myths and markers: on the theory and practice of enterprise crime”, quoted p. 4 in UNODC, Results of a pilot survey of 40 selected organized criminal groups in 16 countries, September 2002.

37 BHABHA Jacqueline, “Human smuggling, migration and human rights”, International Council on Human Rights Policy, Migration: Human Rights Protection of Smuggled Persons, Geneva 25-26 July 2006; As an example of this view see VAYRYNEN Raimo, “Illegal Immigration, human trafficking and organized crimes”, Research Paper, November 2005, University of Helsinki, Finland and University of Notre Dame, Indiana, USA, available at <http://www.freerepublic.com/focus/f-chat/1530000/posts>

38 KO-LIN Chin, p. 45 in KYLE David and KOSLOWSKI Rey (ed.), Global Human Smuggling. Comparative Perspectives, the John Hopkins University Press, Baltimore, 2001

39 P. 15 in VAN LIEMPT Gijsbert: “Human Trafficking in Europe: an Economic Perspective”, Working Paper n°31, ILO, June 2004; See also SARRICA Fabrizio, “The smuggling of migrants. A flourishing activity of transnational

Certain sources describe smuggling as being the work of stable profit-driven organizations with a clear hierarchy. The Australian Institute of Criminology identifies 10 categories of different agents working in a single migrant smuggling episode – such as recruiters, transporters, informers, money launderers – with financiers at the top of the organization competent in how to invest the profits of the activity and to supervise the smuggling.⁴⁰ Following that line of thought, Narli went further and analyzed migrant smuggling as a security threat arguing that smuggling networks coexist with “criminal organizations, (...) guerrillas and terrorists”.⁴¹ Recent literature published in the United States refers to the increasing involvement of organized crime networks into migrant smuggling activities at the US-Mexico border – such as the ‘powerful Mexican drug cartel ‘Los Zetas’. US authorities observe that the proceeds of migrant smuggling activities could be used to finance or support terrorist activities.⁴²

Other sources reviewed consider that smuggling networks are rather loose horizontal networks without a clear command structure working flexibly together on an *ad-hoc* basis, if not small family operations consisting of relatives or people from the same village or clan. Most of those involved in migrant smuggling were found to be ordinary individuals who exploit their social or familial networks to take advantage of emerging opportunities.⁴³ According to Bilecen, there is an evolution of experts’ views regarding the structure and *modus operandi* of organized crime groups. Europol states that the traditional perception of hierarchically structured organized criminal groups is being challenged. There is now a development suggesting that a greater percentage of powerful organized criminal groups are far more cellular in structure with loose affiliations made and broken on a regular basis and with less obvious chains of commands.⁴⁴ However, this analysis has been challenged by the literature recently published in the United States which has focused on the rise of larger-scale smuggling organizations operating across the US-Mexico border. According to the US authorities, migrant smuggling has become another component of the very powerful Mexican drug cartels’ business. Cartels and gangs have control over lucrative smuggling corridors and have gradually replaced the small-scale and/or part-time smugglers who are embedded in the Mexican migrant community itself.⁴⁵

organized crime”, Crossroads, volume 5 n° 3, 2005.

40 SCHLOENHARDT Andreas, “Organized crime and migrant smuggling. Australia and Asia-Pacific”, AIC, Research and public policy series n°44, 2002.

41 NARLI Nilufer, “Human smuggling and migration of illegal labour to Turkey”, Working Paper published in Crushing Crime in South East Europe: a struggle of domestic, response and European dimensions; 6th workshop of the Study Group: Regional stability in the South East Europe. Publishers National Defence Academy of Vienna, Institute for Peace Support and Conflict Management in cooperation with the PfP-Consortium of Defence Academies and Security Studies Institute, and Royal Military College of Canada, Vienna, May 2003, pp. 61-88; See also KOSER Khalil, “Irregular migration, state security and human security”, Research Paper, Global Commission for immigration, Sept. 2005.

42 CRS Report for Congress, “Border Security: Apprehensions of “Other than Mexican” Aliens”, September 2005, order code RL 33097.

43 ZHANG Sheldon and CHIN Ko-Lin, “Snakeheads, mules, and protective umbrellas: a review of current research on Chinese organized crime”, Crime Law Social Change, July 2008, online review, Springer publishers.

44 P. 10 in BILECEN Basak, “Human smuggling networks operating between Middle East and the EU: evidence from Iranian, Iraqi and Afghani migrants in the Netherlands”, COMCAD Working Papers n° 62 2009.

45 US House Committee on Homeland Security, Subcommittee on Investigations, “A line in the sand: confronting the threat at the Southwest border”, 2006 report.

The organizational structures of smuggling rings and their potential link with organized crime networks will be further discussed under chapters 8 and 9.

2.2.3 Smuggling as a ‘family business’

While acknowledging the influence and the validity of the ‘migration business theory’, Herman argues that this metaphor provides only part of the answer and should be complemented by a ‘network theory’ which takes into account non-economic elements, such as the role of social capital in the migration process. The ‘network theory’ shows that, from places of origin to countries of destination, migrants are connected through ties of kinship, friendship and ethnicity.⁴⁶ According to this theory, an expanding network further increases the likelihood of migration as the social capital reduces the costs and risks of migration. Herman thus demonstrates that family and friends play not only an active role in the migration decision – in particular through material assistance – but also in the integration of the migrant in the destination country.

According to the sources reviewed, it seems that the ‘network theory’ has been quite widely used in the literature. For example, two empirical research studies conducted amongst smuggled migrants in the Netherlands between 1994 and 2001, lead by Staring, highlight the role of relatives – including extended family members – and members of ethnic communities living in the Netherlands for the continuation of the irregular migration process.⁴⁷

In line with Herman’s view, Staring stresses that family networks may not supersede the commercial ties but are rather complementary. According to him, professional smuggling organizations still play a determinant role in guiding their clients toward the informal labour market and instruct them on how to succeed in their asylum application. Families and social networks play an active role in the practical daily life – such as finding accommodation, etc. The ‘network theory’ is also reflected in the literature dealing with migrant smuggling from Central to Northern America, referred to by certain authors like Spener as the phenomenon of ‘mom and pop’ smuggling.⁴⁸

The ‘network theory’ also departs from the ‘migration business’ theory as it looks at the migrant as an actor of the migration process and not only as an object as in the ‘organized crime’ theory. Van Liempt and Doomernik have questioned the assumption that smuggled migrants are recruited by criminals and have little to say within the migration process. In their view, the relationship between the smugglers and the smuggled is more diverse.⁴⁹

Looking at migrants as actors in the migration process, de Haas also insists on the need to depart from prejudiced views against smuggled migrants. According to him, rather than a

46 HERMAN Emma, “Migration as a family business: the role of personal networks in the mobility phase of migration”, opus cit., p. 198.

47 STARING Richard, “Facilitating the Arrival of Illegal Immigrants in the Netherlands: Irregular Chain Migration versus Smuggling Chains”, *Journal of International Migration and Integration*, volume 5 n°3, summer 2004, p. 276.

48 SPENER David, “Mexican Migrant-Smuggling: A Cross-Border Cottage Industry”, *Journal of International Migration and Integration*, volume 5 n°3, summer 2004.

49 VAN LIEMPT Ilse and DOOMERNIK Jeroen: “Migrants agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands”, opus cit., p. 173.

desperate response to destitution, migration is generally a conscious choice by relatively well-off individuals to enhance their livelihoods.⁵⁰ A detailed discussion about migrants' profiles and relationships with the smuggler is included under chapters 5 and 7.

50 P. 20-22 in HAAS (de) Hein, "The myth of invasion - Irregular migration from West Africa to the Maghreb and to the EU", Research Report, International Migration Institute, October 2007.

2.3 Conclusions

Sources reviewed reveal a strong interest from the academic community in analysing the phenomenon of migrant smuggling from a conceptual perspective. In particular, experts have debated the link between migrant smuggling and other forms of transnational movements of persons – in particular irregular migration and trafficking in persons. Recent literature has also attempted to improve concrete understanding of migrant smuggling through the conceptualization of the phenomenon as a migration business; a security threat; or a family (network) business.

However, the quality of the information available is somehow limited since many authors tend to mix up migrant smuggling and other forms of organized crime such as trafficking in persons.

Each of the theories used to conceptualize migrant smuggling have brought to light different aspects of migrant smuggling but yet, used separately, they do not manage to capture the various dimensions of the migrant smuggling phenomenon. Future research aimed at analysing migrant smuggling mechanisms should include a combined approach of the different theories in order to reflect its complexity.

Most of the existing literature suffers from a ‘Western centric’ approach and there is a perceived lack of literature produced from the perspective of source countries. Future research including the perspective of those countries would be a valuable contribution to the current knowledge about migrant smuggling.

3 Methodology applied for researching migrant smuggling

This chapter will provide an overview of the methodologies for researching migrant smuggling as available under the accessible literature. Data sources, which are used to analyze the smuggling process, can be divided into quantitative and qualitative sources. This chapter will also discuss research limitations, in particular, the main difficulties in measuring accurately the migrant smuggling phenomenon and problems in collecting qualitative information on the smuggling phenomenon.

3.1 Statistical methodologies

Methods to measure and estimate the phenomenon of migrant smuggling are to be analyzed within the broader discussion about methods used to quantify irregular migration. A detailed presentation of the various methods for the estimation of irregular migration falls beyond the scope of this review. However, the present paragraph will refer to the classification developed by Jandl as it offers a comprehensive and simplified analysis of the existing methods used by international organizations and national administrations in order to measure irregular migration.⁵¹

According to Jandl, the fundamental distinction between all estimates on irregular migration is that they refer to one of two distinct statistical concepts: *stocks* (e.g. of undocumented /illegal residents or irregular migrant workers that reside in the country *at a given point in time*) or *flows* (e.g. inflow of illegal migrants who enter a country over a certain period).⁵² Most efforts, however, have so far been concentrated on estimating stocks of undocumented migrants rather than flows given the volatile nature of such flows and the lack of reliable indicators.⁵³

Methods for the estimation of stocks of illegal residents can be divided into *direct and indirect approaches*. The direct approach includes, in particular, immigration enforcement data (e.g. apprehended illegal residents), administrative records (e.g. data on regularization of unauthorized residents) and survey data (illegal residents identified through snowball techniques). Jandl identifies several indirect approaches: *inter alia* residual methods, demographic methods, subjective estimations/indicators methods, econometric methods on the size and structure of shadow economies, comparisons of immigration and emigration statistics,

51 Project presentation, Clandestino: Undocumented Migration: Counting the Uncountable Data and Trends across Europe, available at <http://clandestino.eliamep.gr/about/>

52 JANDL Michael, "Methods for estimating stocks of irregular migrants", p. 20 in JANDL Michael, VOGEL Dita and IGLICKA Krystyna, "Report on methodological issues", Clandestino, November 2008. See JANDL Michael, "The estimation of illegal migration in Europe", Migration Studies, vol. XLI, n°153, March 2004, pp. 141-155.

53 JANDL Michael, "Methods for estimating stocks of irregular migrants", opus cit., p. 20

flow-stock methods, etc.⁵⁴ Experts and academics may also use combined data sources and estimation techniques. Jandl remarks that there are many methods available to estimate the extent of illegal foreign residents (residual estimation techniques, multiplier technique, regularisation data or surveys). Jandl claims that, despite this policy makers rely on “guesswork” rather than on the serious estimation techniques currently available. Jandl further states that “in most European countries, policy-making in the area of illegal migration is based on guesswork and rumours rather than sophisticated methods of estimation”.⁵⁵

According to Heckmann, the quantitative approach is delicate as it draws on statistics that are collected for administrative purposes and are necessarily incomplete. Therefore existing statistics are in reality only estimates based on extrapolation of data coming from other sources (such as asylum applications, regularizations, and expulsion orders).⁵⁶ Salt states that the statistics are often collected in different ways at different times, use diverse terminologies and are not always comparable within the country, let alone from one country to another.⁵⁷ Due to conceptual problems mentioned earlier in chapter 2, statistics about trafficking and smuggling are often used interchangeably thus creating further confusion. Such critical assessment is supported by ICMPD which insists that statistics compiled should be used as estimates of smuggling trends within the context of irregular migration rather than as accurate data.⁵⁸

Many of the research papers reviewed lament the lack of reliable data on irregular migration and smuggling. The IOM 2008 World Migration Report regrets that data are often influenced by the methodology utilized and sometimes by the agenda of those reporting on the subject.⁵⁹

Given the difficulties in quantifying migrant smuggling within irregular migration flows, it is interesting to note that some authors or inter-governmental agencies measure the extent of the smuggling phenomenon on the basis of estimated profit. According to estimates published by Widgren in 1994, migrant smuggling and human trafficking business worldwide brings in an annual income of about US\$ 5 - 7 billion, and might be as profitable as drug-smuggling.⁶⁰ According to figures quoted by Skelton, the average ‘price’ for smuggling an illegal migrant from China to the US was estimated to be US\$ 30,000 in 1994, each boatload leaving southern China worth US\$ 15.7 million.⁶¹ On the basis of these figures, Skelton estimates that migrant smugglers operating between China and the United States would earn annually some US\$ 3 billion.

54 JANDL Michael, “Methods for estimating stocks of irregular migrants”, opus cit., p. 21

55 JANDL Michael, “The estimation of illegal immigration in Europe”, opus cit..

56 HECKMANN Friedrich, “Towards a better understanding of human smuggling”, opus cit., p. 2.

57 SALT John, “Trafficking and smuggling: a European perspective”, opus cit.

58 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, published by ICMPD Vienna, 2008.

59 IOM, 2008 World Migration Report, p. 207.

60 WIDGREN Jonas, “Multinational co-operation to combat trafficking in migrants and the role of international organizations”, 11th IOM seminar on migration, 26-28 October 1994 quoted p. 472 in SALT John and STEIN Jeremy, “Migration as a Business: the case of trafficking”, opus cit.

61 SKELTON R. “East Asian migration and the changing world order” in GOULD and FINLAY (eds), Population Migration and the Changing World Order, John Winley and Sons, Chichester, quoted p. 472 in SALT John and STEIN Jeremy, “Migration as a Business: the case of trafficking”, opus cit.

This approach is strongly criticized by Pastore, Monzini and Sciortino who point to the fact that irregular migration is treated as a transparent world with estimates of annual inflows of irregular migrants, with maps, tables, pie charts, and graphs informing the reader about current irregular flows, their size, and their composition. These authors further criticize the fact there is no critical assessment of the evidence put forward.⁶² However, there is a consensus amongst experts and academics that well-founded research is essential in order to ensure that migration policy initiatives do not have counterproductive effects.⁶³

3.2 Qualitative methodologies

3.2.1 Interviews with smuggled migrants

Methodological issues

Qualitative information can be extracted from various sources, e.g. it can be the outcome of fact finding missions carried out by researchers in source, transit and/or destination countries, involving interviews with actors and witnesses of the smuggling process (migrants, migrants' relatives, and smugglers). The collection of direct information seems to be most problematic and research projects often require a combination of sources – such as interview programmes, combined with analysis of police and court files.⁶⁴

Researchers may face difficulties in interviewing smuggled migrants and persons directly involved in the smuggling process. According to Düvell, Triandafyllidou and Vollmer, migrants are reluctant to participate as they fear retaliation from smugglers but also that the information provided might be used against them and lead to deportation.⁶⁵ Collyer, however, insists on the difficulties of getting a representative sample – as conditions would not necessarily allow systematic selection of migrants on the basis of pre-defined criteria – but also in carrying out a proper interview given the interviewees' living conditions.⁶⁶ Given these constraints, the style of the interview technique greatly varies: whilst some researchers carried out observation in police stations or shelters,⁶⁷ others carried out interviews on the basis of a standard questionnaire. Some academics used a mix of interviews and observations.⁶⁸

62 PASTORE Ferruccio, et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit., p. 98.

63 Project presentation, Clandestino: Undocumented Migration: Counting the Uncountable Data and Trends across Europe, available at <http://clandestino.eliamap.gr/about/>

64 P. 41 in NESKE Matthias and DOOMERNIK Jeroen, "Comparing notes: perspectives on human smuggling in Austria, Germany, Italy, and the Netherlands", *International Migration*, vol. 44(4) 2006.

65 See p. 8 in DÜVELL Franck, TRIANDAFYLLIDOU Anna and VOLLMER Bastian: "Ethical Issues in irregular migration research", Research Paper, CLANDESTINO Undocumented Migration: Counting the Uncountable, October 2008 available at: <http://clandestino.eliamap.gr/>

66 P. 11 in COLLYER Michael, "States of insecurity: consequences of Saharan transit migration", working paper n° 31, COMPAS, University of Oxford, 2006

67 For an example of observation in police stations, see DERLUYN Ilse and BROEKAERT Eric, "On the way to a better future: Belgium as a transit country for trafficking and smuggling of unaccompanied minors", *International Migration*, vol. 43 n° 4, 2005; For example of observation carried out in social centres see UEHLING Greta Lynn,

According to Heckmann, smuggled people tend to cooperate in interviews when basic conditions are met - such as respect for anonymity - or when the interviewer is a person who comes from the same community as the smuggled person. Smuggled migrants may also want to speak out of frustration with the smugglers; or, after having achieved safe status, for political reasons.⁶⁹ According to Bilecen, the command of the migrant's native language seems to be an imperative asset, together with being from the same community.⁷⁰ Given the reluctance of smuggled migrants and smugglers, some authors have used 'tricks' such as to enrol as social worker at the reception centre of Sangatte (France) or to pretend to be an irregular migrant.⁷¹

Large scale interview programmes

Examples of large scale interview programmes are two major research projects implemented by research institutes in the Netherlands – *The Unknown City* in 1994-1995 and *Illegal immigrants in the Netherlands* in 2000-2001. The overall objectives of these studies were a) to estimate the total number of illegal immigrants in the Netherlands; b) to present a comprehensive quantitative picture of registered illegality in the Netherlands; c) to gain more qualitative insight into the migration and integration strategies of illegal immigrants.⁷²

Given practical constraints, academic projects are often limited to interviews in the destination countries – with some exceptions –,⁷³ while international organizations have carried out large-scale interviews in origin, transit and destination states.⁷⁴ A recent example of a multi-country research is the April 2009 IOM research about migrant smuggling from East Africa and the Horn of Africa to South Africa that is based on interviews with more than 800 smuggled migrants and 625 written interview statements.⁷⁵ The overall report offers an assessment of the logistics, economics, causal factors and trends in the smuggling of migrants in the area. It also emphasizes the dynamics of the abuse and exploitation of these irregular migrants during their multi-country journey. The geographical scope of the research included seven countries (Ethiopia, Kenya, Malawi, Mozambique, South Africa, Tanzania and Zambia) and multiple locations within each country including urban centres, border crossings, major mobilization or

"The international smuggling of children: coyotes, snakeheads, and the politics of compassion", *Anthropological Quarterly*, vol. 81 n° 4, 2008, pp. 833-871; COURAU Henri, " 'Tomorrow Inch Allah, chance!'; People smuggler network in Sangatte", *Immigrants and Minorities*, vol. 22 n° 2-3, July-November 2003, pp. 374-387.

68 COURAU Henri, " 'Tomorrow Inch Allah, chance!'; People smuggler network in Sangatte", *opus cit.*.

69 HECKMANN Friedrich, "Towards a better understanding of human smuggling", *opus cit.*, p. 2.

70 BILECEN Basak, "Human smuggling networks operating between Middle East and the EU: evidence from Iranian, Iraqi and Afghani migrants in the Netherlands", *opus cit.*, p. 6.

71 Regarding Sangatte see COURAU Henri, " 'Tomorrow Inch Allah, chance!'; People smuggler network in Sangatte", *Immigrants and Minorities*, *opus cit.*; For an example of an author who pretended to be an irregular migrant see DANIEL Serge, *Les routes clandestines. L'Afrique des immigrés et des passeurs*, *opus cit.*

72 STARING Richard, "Facilitating the Arrival of Illegal Immigrants in the Netherlands: Irregular Chain Migration versus Smuggling Chains", *opus cit.*, p. 277.

73 See for instance NESKE Matthias and DOOMERNIK Jeroen, "Comparing notes: perspectives on human smuggling in Austria, Germany, Italy, and the Netherlands", *opus cit.*

74 BARROS Lucile et al., "L'immigration irrégulière subsaharienne à travers et vers le Maroc », programme des migrations internationales, ILO, 2002.

75 IOM (HORWOOD Christopher), "In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa", IOM publishers, April 2009.

transport arteries and refugee camps. In many cases, local transport (taxis, buses, trucks and boats) and similar routes (national roads and cross-country routes) were used by researchers in order to interview relevant people along the way and understand the physical journeys taken by the migrants.

3.2.2 Interviews with smugglers

There is a lack of research focusing on the smugglers' perspectives that would allow insight into the subjective dimension of the phenomenon. According to Neske, this gap is understandable since smugglers are not interested in exposing themselves to publicity or law enforcement.⁷⁶

Among the sources reviewed, only few studies were based on interviews with smugglers. There is a significant gap in research that attempts to understand migrant smuggling from the perspective of the offenders themselves. One example for such research is a study by Webb and Burrows that was commissioned by the British Home Office.⁷⁷ Published in 2009, a key aim of the study was to strengthen the evidence base by shedding light on issues that have not been explored in previous assessments. The study describes human trafficking and migrant smuggling processes, sets out details gathered on migrant smugglers and human traffickers and their perceptions of the market, and outlines the information about their victims/clients. Finally, it addresses attitudes towards the perceived risks of actions taken by the regulatory authorities.

The added value of this research lies in its original approach of focusing on perpetrators rather than victims. Although the prisoner sample was limited and therefore not representative of the whole organized immigration crime market, the study provides a valuable insight of the migrant smugglers' and traffickers' self-perception of their activities and their relationship with the migrants, together with some information about their organization and *modus operandi*. The interview techniques used offer a valuable pattern that could be further replicated in order to extend knowledge about migrant smugglers.

Another example is a research project commissioned by the US National Institute of Justice and lead by Zhang and Chin. The report was published in 2002 but it includes information collected in 2000-2001.⁷⁸ The overall objective of the project was to explore the inner workings of Chinese migrant smuggling organizations through field observations and face-to-face interviews in both the United States and China. Efforts were made to capture a wide sample based on geography, roles, type of smuggling, and organized affiliation. 129 formal and informal interviews were conducted in both countries. In addition to face-to-face interviews, researchers also visited villages in Fuzhou and adjacent regions, which have extensive smuggling activity, and the Chinese communities in New York and Los Angeles. Because of fear of detection by law enforcement and suspicion of the project's purpose, the researchers encountered many difficulties in persuading migrant smugglers to come forward. The selection of the subjects and

76 NESKE Matthias, "Human smuggling to and through Germany", opus cit., p. 131.

77 WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit.

78 ZHANG Sheldon and CHIN Ko-Lin, "The characteristics of Chinese human smugglers; a cross national study", October 2002, NCJ 200607, available at <http://www.ncjrs.org>

their referral networks was thus limited to the initial contacts in the researchers' own personal networks and therefore biased. Still they were able to collect firsthand data that had far greater detail on the organizational and operational characteristics of Chinese migrant smuggling than any previously known report. On the basis of this information, the same authors published additional reports that are still used as reference tools by the academic community.⁷⁹ Although the research carried out by Zhang and Chin provide a very solid basis for understanding migrant smuggling from China, the findings might be obsolete by now and further research should be carried out in order to keep track of recent evolutions in the migrant smuggling process.

3.2.3 Other sources

According to Heckmann, police, asylum and border authorities, social workers and supporting health services are among the main expert groups who have detailed knowledge on irregular migration and migrant smuggling.⁸⁰ Interviews with police investigators have proven to be very informative, as well as those with lawyers who defend illegal migrants.⁸¹ Access to data files of intercepted irregular migrants provides valuable knowledge of the smuggling process (journey, fees, smuggling *modus operandi*). This methodology has been praised by researchers - such as Kaizen and Nonnema, Derluyn and Broekaert - as it allows them to review a high number of cases and therefore draw conclusion about a significant sample of cases.⁸² Acknowledging that these sources provide useful information, Pastore *et al.* note that they should be handled carefully as they are biased towards traumatic journey and problem-ridden clandestine entries. Indeed these sources provide information not on the migrant smuggling phenomenon *per se* but only on the cases where the process has failed. The authors further argue that the information collected does not provide any information about effective smuggling channels that are usually used by migrants with larger resources and means. Some caution should also be taken about the testimonies of smuggled migrants who have a vested interest in presenting themselves as naïve victims who have been cheated by the smugglers.⁸³

Although quite rarely used, some researchers have also used court proceedings. While authors such as Drazga-Maxfield and Lewis have looked at courts proceedings in order to measure the efficiency of anti-smuggling policies,⁸⁴ authors like Pastore *et al.* and Neske have also used court

79 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, "Women's participation in Chinese transnational human smuggling: a gendered market perspective", *Criminology*, vol. 4 n°3 2007; ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", *Criminology*, vol. 40 n°4, 2002, p.737-767; ZHANG Sheldon, *Smuggling and trafficking in human beings. All roads lead to America*, opus cit.

80 HECKMANN Friedrich, "Towards a better understanding of human smuggling", opus cit., p. 2.; See also NESKE Matthias and DOOMERNIK Jeroen, "Comparing notes: perspectives on human smuggling in Austria, Germany, Italy, and the Netherlands", opus cit.

81 HECKMANN Friedrich, "Towards a better understanding of human smuggling", opus cit., p. 2.

82 KAIZEN Julie and NONNEMA Walter, "Irregular Migration in Belgium and Organized Crime: An overview", *International Migration*, vol. 45, n°2, 2007, p. 121-146; DERLUYN Ilse and BROEKAERT Eric, "On the way to a better future: Belgium as a transit country for trafficking and smuggling of unaccompanied minors", opus cit.

83 PASTORE Ferruccio et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit., p. 98.

84 DRAZGA-MAXFIELD Linda and LEWIS Jocelyn, "The impact of guideline increases on sentencing levels from unlawful alien smuggling", *Federal Sentencing Reporter*, vol.14 n.5, March-April 2002.

proceedings to reconstruct the organization of a smuggling ring and to provide an insight into the strategies used by such groups.⁸⁵ Neske, Van Liempt, Doornik, Webb and Burrows also respectively highlight that researchers' perception might be distorted by the fact that many of those cases that went finally to court are often smuggling cases in which a greater number of migrants were smuggled and because of this were prioritized to be prosecuted.⁸⁶

3.3 Conclusions

The literature reviewed shows a great diversity of methodologies applied by researchers. The research available might be difficult to use from a comparative perspective since the indicators and methodology used vary from one project to another.

The literature reviewed highlights that no source is perfect and a combination of sources is needed in order to get a fair estimate of irregular migration in general, and migrant smuggling in particular. Currently, quantitative research methodologies suffer from a lack of qualitative data and efforts to harmonise data gathering should be pursued.

Literature reviewed shows a positive evolution of the research based on qualitative sources. While researchers have primarily access to experts, police and court records, one should stress the quality of the design and implementation of field research. Despite great practical difficulties and obstacles, empirical research has significantly developed over the past years and has provided insight about the smuggling process and the actors involved. Despite their limitations, studies based on interviews with migrant smugglers have proved valuable. Transnational research programmes or large-scale interviews have proved to be very useful tools. Similar programmes should be further developed.

There is a lack of research available about migrant smugglers. Most qualitative research focuses on or takes the perspective of the migrants. Source countries should also be more closely associated to research programmes in order to have a better understanding of the social context within which migrant smuggling happens. Knowledge gaps highlighted in the following chapters also show that the geographical coverage should be more balanced as there is a critical lack of information available about Central, East and South Africa; Asia; Latin America and the Caribbean countries.

85 PASTORE Ferruccio et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit., p. 99; Also see MONZINI Paola, PASTORE Ferruccio and SCIORTINO Giuseppe, "Human smuggling to and through Italy", Project Research of the Centro Studi di Politica Internazionale – CESPI - , Human and trafficking of migrants: types, origins and dynamics in a comparative and inter-disciplinary perspective, 2004. NESKE Matthias, "Human smuggling to and through Germany", opus cit

86 NESKE Matthias, "Human smuggling to and through Germany", opus cit., p. 157; VAN LIEMPT Isle and DOORNIK Jeroen, "Migrants agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands", opus cit., p. 172; WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit., p. 7.

4 The Scope of migrant smuggling

Bearing in mind the methodological limitations to estimating the movement of smuggled migrants in the broader context of irregular migration - highlighted under 3.1 - the first section (4.1) will outline quantitative information available about the extent of migrant smuggling with a focus on sub-regions and key countries. This information is scattered and/or imprecise for two reasons. Firstly, reports often mix up statistics and refer interchangeably to irregular migration, human trafficking and migrant smuggling. Secondly, quantitative assessments are mainly limited to smuggling trends towards Western industrialised countries, while intra-regional movements within the Southern hemisphere are largely ignored.

The second section (4.2) will look at the current state of knowledge regarding smuggling routes. The literature reviewed reveals a dual perspective. On the one hand, the 'traditional' view holds that all smuggling trends are converging towards the Western industrialised states perspective. This perspective is dominant in the literature published in the early 1990s. On the other hand, more recent researches show that smuggling routes are far more diverse and that Western-centric visions may not accurately represent the complex dynamics of migrant smuggling. In any case, the routes outlined below only provide an overview of smuggling routes as described in the literature. Further details about the organization of sea, air and land movements are provided in chapter 9.

4.1 Quantitative assessment by regions

4.1.1 Europe

Western Europe

The measurement of irregular migration has been a matter of great debate and interest throughout Europe. According to Salt, there are still enormous gaps in the availability of statistics on international migration in Europe despite a steady improvement during the last decade.⁸⁷ Statistical methodologies are slowly being harmonised amongst EU Member States.⁸⁸

The Clandestino project provides an inventory and a critical appraisal of existing data and estimates on undocumented migration stocks and flows in selected EU Member States, where undocumented migration is an important phenomenon.⁸⁹ Investigating further the flows of undocumented migration, the project also includes three EU neighbouring countries that act as

87 SALT John, "Trafficking and smuggling: a European perspective ", opus cit., p. 37.

88 Regulation (EC) n° 862/2007 on Community Statistics on migration and international protection, OJ 2007 L 199/23 quoted in 2008 World Migration Report, p. 208.

89 Clandestino project: Undocumented Migration: Counting the Uncountable Data and Trends Across Europe available at <http://clandestino.eliamep.gr>

important 'stepping stones' towards the EU (Turkey, Morocco, and Ukraine). Clandestino compares and analyses critically existing methods of data collection and calculation of estimates on the phenomenon.⁹⁰ While the European Commission had initially estimated between 4.5 and 8 million foreign nationals residing in its territory without a right to legal residence,⁹¹ one of the main conclusions of the Clandestino project is that the aggregate country estimate for the EU indicates a much lower level of irregular residence than previously assumed for a maximum of 3.8 million instead of 8 million undocumented immigrants. Furthermore, estimates show a clear decline in the stock of irregular resident populations from 2002 to 2008 in the EU15, which fell from 3.1 - 5.3 million irregular foreign residents to 1.8 - 3.3 million.⁹²

In marked contrast with other regions, there have been attempts to develop common European measurement tools in order to give a comprehensive picture of the migrant smuggling phenomenon throughout the continent, in particular in the European Union. However, it is to be noted that while there has been a strong focus on flows of irregular migrants going through Eastern and Southern Europe respectively, there is a lack of quantitative knowledge about other potentially important trends such as the phenomenon of migrant smuggling from Latin America and Asia.

Even regarding Western Europe, statistics on migrant smuggling remain very patchy and there is even no consensus about rough estimations. The number of people smuggled into the EU has been estimated on the basis of the assumption that out of every three illegal migrants, one is caught and two reach their destinations.⁹³

According to estimates published in 2000, the Dutch Immigration and Naturalisation Service estimates that while 30% of asylum seekers entering Europe used the service of migrant smugglers in 1996, the number has risen between 60 and 70% over the past few years.⁹⁴ According to statistics established by a Swiss NGO, 100% of the asylum seekers arriving in Switzerland would do so by using the services of smugglers.⁹⁵ However, estimates put forward by Starling are much lower, and according to him, the percentage of smuggled migrants who arrive in Western Europe is anywhere from 15% to 30% of the total of irregular migrants. For asylum seekers, it is estimated as between 20% and 40%.⁹⁶

90 See VOGEL Dita and KOVACHEVA Vesela, "Quality assessment of estimates on stocks of irregular migrants", Clandestino, December 2008, available at <http://clandestino.eliamep.gr>.

91 See JANDL Michael, VOGEL Dita, and IGLICKA Krystyna, "Report on methodological issues", Clandestino, November 2008, available at <http://clandestino.eliamep.gr>.

92 Clandestino, "Undocumented and irregular migration: policy developments, data and social implications", Report on a workshop organized by the European Commission, 13 November 2009.

93 HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly, Conference report of the transatlantic workshop on human smuggling, supported by the German Marshall Fund, Georgetown Immigration Law Journal, fall 2000.

94 ARONOWITZ Alexis, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit., p. 169

95 Study carried out by EFIONAYI-MADER, CHIMIENTI, DAHINDEN and PIGUET in 2001 quoted p. 269 in DOOMERNIK Jeroen and KYLE David, "Organized Migrant Smuggling and State Control: Conceptual and Policies changes", opus cit.

96 STARLING Richard, "Facilitating the Arrival of Illegal Immigrants in the Netherlands: Irregular Chain Migration versus Smuggling Chains", opus cit., p. 276

Whilst a detailed breakdown of the nationalities of the smuggled migrants by country of destination falls beyond the scope of that study, it should be noticed however that the recent perceived increase of irregular Chinese migrants in Europe has raised some interest amongst experts and academics. This problem became obvious in the late 1990s and in the early 2000s after large-scale regularization programmes had been carried out in major EU countries, and the IOM launched at the time a series of specific reports in order to better understand migration between China and Europe.⁹⁷ However, according to statistics published annually by ICMPD, this problem has evolved over time. Figures published in ICMPD Yearbooks of Illegal Migration show an overall decrease of irregular migration and migrant smuggling from China to Central and East European countries. The number of Chinese apprehended for border violation in that region has decreased from more than 5,200 to 1,100 between 2003 and 2006.⁹⁸ However, according to the same source, smuggling of Chinese migrants remains a primary concern for Romanian and Latvian authorities who foresee an increase of irregular migration and smuggling from Chinese migrants. Information available indicates that Chinese migrants use a legal way to these countries but would travel onward illegally. The use of falsified documents in the migrant smuggling process seems also to be of increasing concern to these countries.⁹⁹

Nevertheless, according to the sources reviewed, there is yet to be a specific assessment of this smuggling flow of Chinese migrants since the literature available focuses on the issue of irregular migration and working conditions.¹⁰⁰

Southern Europe

Smuggling of migrants has been a critical issue in Southern Europe since the early 1990s. The literature reviewed focuses on two main smuggling routes: the Greek-Turkish route, on the one hand, and smuggling from Africa towards Italy, Spain and Malta, on the other hand. (In this context, see also 4.1.3 on migrant smuggling from Latin America to Southern Europe).

According to the IOM, a high number of smuggled migrants are intercepted at the Greece-Turkey border given Turkey's pivotal role in the larger irregular migration system around the Mediterranean basin.¹⁰¹ Literature reviewed also reveals the importance of the Greek-Turkish route for Central Asian and Middle Eastern migrants – mainly from Afghanistan, Bangladesh, Iraq, Iran, Palestine, and India – who are then travelling on to final destinations such as the United Kingdom, Germany, Italy and France.¹⁰² Most of them travel on foot, crossing the land border between Turkey and Greece via the Evros River. The second route is by boat, sailing from Turkey to Eastern Aegean islands or to the Greek mainland. According to Antonopoulos and

97 LACZKO Franck (ed.), *Understanding migration between China and Europe*, International Migration, vol. 31(5), Special issue 1/2003.

98 ICMPD Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit. p. 17.

99 ICMPD Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit. p. 141 and p. 172.

100 See for instance NYIRI Pal, "Chinese migration to Eastern Europe", pp. 239-266 in *International Migration*, vol. 31(5), Special issue 1/2003; MOORE Marketa and TUBILEWICZ Czeslaw, "Chinese migrants in the Czech Republic: perfect strangers", *Asian Survey*, vol. 41 n° 4, July-August 2001, p. 611-628.

101 P. 19 in ICDUYGU Ahmet, *Irregular migration in Turkey*, IOM working paper n°12, February 2003

102 ICDUYGU Ahmet and TOKTAS Sule, "How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey", *International Migration* vol. 40 n° 6, 2002, p. 25-54.

Winterdyck, about 10% of irregular migrants entering Greece came by sea routes.¹⁰³ While it is difficult to provide accurate statistics, the Turkish Ministry of Interior estimates that 400,000 irregular migrants were apprehended in Turkey between 1997 and 2003, with the majority of them using the service of smugglers. According to research carried out by İçduygu for the IOM in 2003, many migrants would have been unable to make the journey to Turkey without the intervention of migrant smugglers. From among the sample used by İçduygu, all Afghan migrants, more than two-thirds of Iranians, over half of Iraqi migrants and close to half of all other respondents had had recourse to smugglers to make the journey.¹⁰⁴ According to the 2010 UNODC report on migrant smuggling in the Mediterranean region, irregular migration in Turkey is currently increasing sharply, and changes in the ethnic composition of the migrants indicates the formation of new routes especially from Afghanistan, Iraq and the Horn of Africa.¹⁰⁵ As noted by Clandestino researchers, data of apprehensions at sea borders in Greece should be treated with caution because some apprehensions took place on Greek island soil; according to Greek authorities, the number of apprehensions was 9,049 in 2006, 9,240 in 2007, and 5,332 in the first half of 2008.¹⁰⁶ In 2008 more than 15,000 arrivals of migrants by sea were intercepted in Greece, according to data published by UNCHR.¹⁰⁷ Despite these high figures, İçduygu insists that various aspects of migrant smuggling between Turkey and Greece are still relatively unknown and 'knowledge' might partially be based on speculations.¹⁰⁸

Smuggling of migrants has also been a critical issue elsewhere in Southern Europe since the early 1990s, with a sharp increase in the number of interceptions of unauthorized migrants along the Spanish, Italian and - to a lesser extent - Maltese coasts since 2000 onwards. According to the 2009 UNDOC report, about 65 000 illegal migrants reportedly landed in Italy, Spain and Malta in 2006. In 2007, about 40 000 illegal migrants arrived in these three countries. This figure represents about 23% of all the illegal border crossings detected by the EU that year.¹⁰⁹ According to the same source, these migrants are mainly from Sub-Saharan countries with a large proportion of migrants coming from Ivory-Coast, Liberia, Ghana, Senegal, and Nigeria.¹¹⁰

According to Carling, the figure of interceptions at the Spanish coasts rose steadily through the mid-1990s, more than doubled from 1999 to 2000, and remained steady at around 16,000–

103 ANTONOPOULOS Georgios and WINTERDYCK John: "The smuggling of migrants in Greece: an examination of its social organization" *European Journal of Criminology*, February 2007.

104 İÇDUYGU Ahmet, *Irregular migration in Turkey*, opus cit., p. 35.

105 UNODC, *Smuggling of migrants in, from and through North Africa*, opus cit., p. 17

106 Ibidem.

107 See UNHCR: Key Facts & Figures, <http://www.unhcr.org/cgi-bin/texis/vtx/asylum>

108 İÇDUYGU Ahmet, "Transborder Crime between Turkey and Greece: Human smuggling and its regional consequences", opus cit., p. 297.

109 UNODC, *Transnational trafficking and the rule of law in West Africa a threat assessment*, July 2009, p. 64.

110 UNODC, *Transnational trafficking and the rule of law in West Africa a threat assessment*, opus cit., p. 65; see also p. 28 in HAAS (de) Hein, "Irregular migration from West Africa to the Maghreb and the European Union an overview of recent trends", IOM Research Series n° 32, 2008

19,000 interceptions per year from 2000 to 2004.¹¹¹ De Haas estimates that 15 000 persons from West Africa enter Spain irregularly each year.¹¹²

According to Lutterbeck, migrant smuggling is also a matter of growing concern in Malta – although the flows remain comparatively limited. It is estimated that between 1500 and 2000 migrants have been smuggled annually since the year 2000 to Malta.¹¹³ Currently, Malta, like Cyprus, is considered a dead-end destination, although landings are on the rise. In 2008 the number of migrant arrivals almost doubled from that in 2007 reaching 2,500.¹¹⁴

In its July 2009 report, the UNODC estimated that some 37,000 migrants arrived in Italy by sea in 2008, an 85% increase over 2007. In contrast the number of migrants arriving in Spain has declined for the last two years.¹¹⁵ According to the 2010 UNODC report about the smuggling of migrants in the Mediterranean, most of these crossings originate in Libya, mainly in an area close to the border between Libya and Tunisia. A remarkable rise in the number of migrants coming to Sicily, not only from Maghreb but also from sub-Saharan Africa has been recorded since 2002. Coming from the Eastern side (at the border with Egypt), migrants from the Horn of Africa and even from Asian countries (Bangladesh, Pakistan, Iraq, Palestine) began to use Libya as a transit point, leaving from the border areas between Libya and Egypt.¹¹⁶

As pointed out by Coslovi, in the Mediterranean region the growth of importance of Libya as a transit country directly corresponds to the decrease in importance of routes originating from Tunisia, Turkey, Albania, and to the reduction of flows from Morocco to Spain.¹¹⁷ In 2007, the appearance of new routes directed to Italy from outside of Libya suggests that smugglers in Libya were potentially facing some difficulties, probably due to a temporary intensification of controls.¹¹⁸

In 2008 and 2009, departures from Libya were organised even during the winter, in difficult climatic conditions: in total in 2008 36,951 landings were recorded in Italy. According to recent studies, the smugglers relied for long time on the fact that the Italian authorities would tow vessels found out at sea into port on Lampedusa. Deaths of migrants going to Italy are also on the increase.¹¹⁹

111 CARLING Jorgen, "Unauthorized Migration from Africa to Spain", pp. 3-37 in *International Migration*, vol. 35, October 2007

112 HAAS (de) Hein, "The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU", opus cit., p. 46.

113 P. 121-123 in LUTTERBECK Derek, "Small frontiers island: Malta and the challenge of irregular migration", *Mediterranean Quarterly*, winter 2009, p. 119-144

114 UNODC, *Smuggling of migrants in, from and through North Africa*, opus cit., p. 17

115 UNODC, *Transnational trafficking and the rule of law in West Africa a threat assessment*, opus cit., p. 64.

116 UNODC, *Smuggling of migrants in, from and through North Africa*, opus cit., p. 15

117 COSLOVI Lorenzo, "Brevi note sull'immigrazione via mare in Italia e in Spagna", January, CESPI, 2007, source quoted in UNODC, *"Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications"*, opus cit.

118 UNODC, *Smuggling of migrants in, from and through North Africa*, opus cit., p. 16.

119 Ibidem.

The total number of migrants attempting the journey from Africa to Europe remains unknown and according to the NGO, Fortress Europe, an estimated 1,000 died in 2008 trying to reach Europe by sea.¹²⁰

According to the literature reviewed, there has been a debate about the use of statistics by media and governmental reports, with certain authors arguing that the smuggling trends have been artificially inflated. Pastore *et al.* remark that the continual reference to boat landings has little objective value.¹²¹ According to them, the smuggling operations so often seen on television are spectacular, but the number of migrants smuggled by this means is relatively limited if compared to global figures.¹²² Based on data released by the Italian Ministry of the Interior, it has been estimated that in 2005 no less than 61% of irregular migrants were overstayers, 27% entered the country by document fraud, while only 12% entered the country clandestinely.¹²³ Andrijasevic upholds a similar view and states that the migration flows from Libya to Italy were inflated.¹²⁴ A 2008 study by the United Nations Office on West Africa draws similar conclusions, according to which only 8% of all migrants entering Spain irregularly arrived by sea.¹²⁵

Migrants apprehended at sea borders, Italy 1999-2008

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Sicily	1,973	2,782	5,504	18,225	14,017	13,594	22,824	21,400	16,585	34,540
Sardinia							16	182	1,548	1,621
ITALIA	49,999	26,817	20,143	23,719	14,331	13,635	22,939	22,016	20,165	36,951

Italian Ministry of Home Affairs, Department of Public Order

Central and Eastern Europe

Figures appear to be more consolidated regarding Central Europe, as statistics have been systematically gathered by the ICMPD since 1997. ICMPD provides a nuanced picture of the migrant smuggling phenomenon in that region and stresses that recourse to the services of smugglers is far from systematic, particularly when it comes to countries with relatively new borders such as those from the former Yugoslavia and Soviet Union. On the other hand, operative data of border services have shown that intercontinental irregular migrants more

120 See UNODC, trafficking and the rule of law in West Africa a threat assessment., opus cit., footnote 217.

121 MONZINI Paola, PASTORE Ferruccio and SCIORTINO Guiseppe, "Human smuggling to and through Italy", opus cit., p. 4.

122 PASTORE Ferruccio et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit., p. 96.

123 HAAS (de) Hein, "The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU", opus cit., p. 23.

124 ANDRIJASEVIC Rutvica, "Renounced responsibilities: Detention, expulsion, and asylum at the EU's southern border of Libya and Lampedusa", Center for Policy Studies – Open Institute Research Papers, Central European University, Budapest, 2005, available at : <http://www.policy.hu/news/Andrijasevic-ps>

125 « Migrations irrégulières en provenance d'Afrique de l'Ouest: description du phénomène et analyse des causes et conséquences des flux migratoires », Etudes thématiques, United Nations Office on West Africa, September 2008, p. 25.

often need the unlawful services of migrant smugglers.¹²⁶ While in 2005 apprehensions of migrant smugglers across the region were stagnating, this number decreased by 5% between 2006 and 2007. Most smugglers were apprehended in Turkey and Hungary. The most significant decrease in the absolute numbers of apprehended migrant smugglers has taken place in Slovenia and in the Czech Republic.¹²⁷

Number of migrant smugglers apprehended including foreigners and citizens of the reporting country in decreasing order of the number of apprehensions – Source, ICMPD.

Country	Apprehension in 2006	Apprehension in 2007	Change in % 2006-2007
Turkey	951	1,241	31
Hungary	568	522	-8
Slovenia	634	405	-36
Slovakia	305	278	-9
Bulgaria	161	275	71
Czech Republic	464	269	-42
Poland	291	204	-30
Serbia	186	152	-18
Albania	120	138	15
Bosnia-Herzegovina	82	118	44
Romania	69	46	-33
Ukraine	47	41	-13
Lithuania	19	20	5
Cyprus	15	18	20
Estonia	3	9	200

¹²⁶ ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit. p. 24.

¹²⁷ Ibidem.

Total 15 countries	3,915	3,737	-5
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4.1.2 Africa

Northern and West Africa¹²⁸

Despite the fact that the phenomenon of migrant smuggling has been intensively researched in both regions, there are still no consolidated figures available about the flows and trends.

Regional estimates on the irregular migrant population do not exist, but partial evaluations have been elaborated. For example, in 2004, the movements of irregular migrants by sea were calculated by ICMPD, which estimated a number of 100 - 120,000 irregular migrants crossing the Mediterranean Sea each year, of which 35,000 are Sub-Saharanans, 30,000 from other countries and 55,000 from South or East Mediterranean countries.¹²⁹ According to the UNODC report published in 2006, numbers are higher: possibly as many as 300,000 African migrants each year try to reach Europe without the proper documentation, and migrant smugglers are involved in many of these movements. According to this 2006 UNODC report, at least 200,000 Africans enter Europe illegally annually, while another 100,000 try but are intercepted, and countless others lose their way or their lives.¹³⁰

An overall estimate of smuggling of migrants in North Africa has not yet been calculated, and too little is known about the share of irregular migrants using smuggling services. However, according to a survey carried out in Morocco, 87% of Sub Saharan migrants arriving in that country used the services of migrant smugglers.¹³¹ As far as travels to Europe are concerned, UNODC recently assessed that, it is very difficult to travel clandestinely from Africa to Europe without the support of migrant smugglers.¹³² Furthermore, according to the same source, the profits of the migrant smuggling business are at least US\$ 300 million each year.¹³³

According to detailed research carried out by de Haas, only a relatively small proportion of people from sub-Saharan Africa entering Maghreb countries actually get to Europe. It has been estimated that between 65 000 and 120 000 people from sub-Saharan Africa enter the Maghreb countries overland ever year. Only between 20 and 38% of these eventually proceed to Europe.¹³⁴ Whilst Libya is probably the Northern African country with the highest number of

128 Information available from UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", 2010.

129 Figures quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

130 UNODC, Organized crime and irregular migration from Africa to Europe, July 2006, p. 5.

131 MGHARI Mohamed, "L'immigration subsaharienne au Maroc", CARIM 2008/77.

132 UNODC, Organized crime and irregular migration from Africa to Europe, opus cit., p. 7.

133 UNODC, Organized crime and irregular migration from Africa to Europe, opus cit., p. 19.

134 HAAS (de) Hein, "The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU", opus cit., p. 47.

sub-Saharan, ¹³⁵ de Haas also insists on the importance of Tunisia, Morocco and Algeria as destination states. According to him, the demand of cheap labour is any more considered as a specificity of European or Western countries: thousands of irregular migrants are attracted by large developing areas of North Africa, where underground economies are flourishing. ¹³⁶

East and Southern Africa

The phenomenon of migrant smuggling in East and Southern Africa remains largely under researched, according to sources reviewed. The literature accessible shows that there is a growing phenomenon of migrant smuggling mainly across the Gulf of Aden (from Somalia to Yemen) and from the East of Africa and the Horn to South Africa. However, it does not include any comprehensive information about quantitative flows of migrants smuggled from and to that region.

The April 2009 IOM report assessing the irregular movement of men from East Africa and the Horn to South Africa offers an interesting – although partial – assessment methodology. ¹³⁷ This study has attempted to establish a realistic estimation of the number of irregular migrants being handled by smugglers based on a variety of evidence. The estimation proposed by this study is of 17,000 to 20,000 male irregular migrants per year. Not all of these men will successfully enter the Republic of South Africa, but all will make part or the entire journey south. Such an estimate is made possible only because a large number of the irregular migrants (almost 60% of the Ethiopian and 80% of the Somali migrants) pass through a camp while en route through Malawi where registration is disaggregated by nationality. Based on the number of Somalis and Ethiopians registered per year, and the estimate of how many of them pass through Malawi, the report gives an estimate of the number of Somalis and Ethiopians travelling from their home countries towards South Africa. ¹³⁸

The table below outlines the key data (based on actual figures and estimations) used by the IOM report to establish the approximate, minimal number of Somali and Ethiopian migrants who attempt to move from the Horn to South Africa each year. ¹³⁹

Approximation of number of Somali and Ethiopian migrants who attempt to move from the Horn to South Africa – Source IOM

Estimate source	Activity and data	Extrapolation for entire year
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135 'Migrations irrégulières en provenance d'Afrique de l'Ouest: description du phénomène et analyse des causes et conséquences des flux migratoires' (Etudes thématiques, United Nations Office on West Africa, September 2008), p.17.

136 HAAS (de) Hein, "The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU", opus cit., p. 22.

137 IOM (HORWOOD Christopher), "In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa", IOM publishers, Geneva, April 2009.

138 IOM (HORWOOD Christopher), "In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa", opus cit., p. 121.

139 IOM (HORWOOD Christopher) "In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa", opus cit., p. 122.

UNHCR/ Gov of Malawi and interview findings	Somalis transiting through Malawi per month (30% of 715)	2,600
UNHCR/ Gov of Malawi and interview findings	Ethiopians transiting through Malawi per month (70% of 715)	6,000
Interviews and Malawi data	Additional migrants arriving in Zimbabwe from Zambia	1,000
Interviews analysis	Migrants arriving directly by air into South Africa (3% Somalis, 5% Ethiopians)	800
Interviews analysis	Migrants flying to Mozambique or Zimbabwe and then entering South Africa by road	4,000
Interviews analysis	Migrant sent back by Kenya immigration authorities	3,500 - 5,200
Total		17,900 – 19,600

Statistical information about migrant smuggling between Somalia and Yemen has been collected by the Mixed Migration Task Force co-chaired by IOM and UNHCR.¹⁴⁰ According to the statistics published in August 2009, there has been a noticeable increase of migrants crossing the Gulf of Aden – particularly from Somaliland, Puntland and Djibouti – in order to reach Yemen. Between the beginning of 2009 and August 2009, more than 32,500 people arrived in Yemen, which is a notable increase compared to 2008 when some 22,500 people had landed on the coast. In total, more than 50 000 people arrived in Yemen in 2008. Although the number of Somali asylum seekers trying to reach Yemen is very high (almost 15,000 between January and early August 2009), in particular after new violence erupted in Mogadishu in May 2009, the statistics reveal that the majority of the people crossing into Yemen are Ethiopians (over 17,500 between January and early August 2009). The total number of arrivals from Ethiopia doubled between 2008 and 2009. The official statistics are not fully accurate; while nearly all Somalis are being registered upon arrival in Yemen, only one Ethiopian in four is registered. According to information published in 2009 by the Mixed Migration Task Force, most of them will avoid being seen by the authorities, possibly for fear of being deported.¹⁴¹ The proportion of people dying during the crossing has been decreasing over the last years. Some 1% of the passengers did

140 Mixed Migration Task Force (co-chaired by UNHCR and IOM), Update n°8, August 2009.

141 Ibidem.

not make it to the coast this year, compared to 2% at the same date last year. In 2007, some 7% of the passengers did not survive the journey.¹⁴²

4.1.3 Americas

North America

The reviewed literature focuses on migrant smuggling from China to the United States and on migrant smuggling across the Mexico – US border.

There is little literature produced about migrant smuggling to Canada and the literature reviewed does not offer any quantitative assessment of this phenomenon. According to Mountz, the phenomenon of migrant smuggling does not have the same scale because Canada is somewhat protected by geography but also by its patrolling surveillance, and interception practices up and down the Pacific coast into Central coastal waters.¹⁴³

The US-Mexico border is not the only entry point for migrant smuggling to the United States. It nevertheless plays a pivotal role in the migrant smuggling process in the United States. According to the Pew Hispanic Centre, Mexico is not only the major country of origin of irregular migration to the US (over 450,000 a year) but also a transit country for irregular migration from Central and South America.¹⁴⁴ It should be noted that migrants crossing that border irregularly come from all over the world including the Middle East and Asia. Although calculations vary, authors such as Guerette and Clarke remark that the largest flows of illegal immigration into the United States undoubtedly takes place along the Mexican border.¹⁴⁵ According to Zhang, there are no comprehensive statistics about migrant smuggling in the United States. However, the importance of this phenomenon has been assessed against the number of apprehended illegal migrants along the US-Mexico border – approximately 900 000 in 2003 and close to 1.5 million in 2004 and 2005.¹⁴⁶ According to the Executive Office of the US Attorney, the number of convicted migrant smugglers has also raised significantly from 589 persons in 1995 to 2,457 in 2004.¹⁴⁷ While in 2005, 93% of apprehended migrants were Mexican nationals, the number of non-Mexican nationals dramatically increased between 2002 and 2005. The majority of these apprehensions have taken place along the Texas border and apprehended migrants came mainly, but not only, from four nations: Honduras, Brazil, El Salvador, and Guatemala.¹⁴⁸

142 Ibid.

143 Quoted p. 63 in MOUNTZ Alison, "Human smuggling and the Canadian State", Canadian Foreign Policy, vol. 13 n°1 2006, p. 59-80

144 PASSEL Jeffrey S., "Estimates of the size and characteristics of the undocumented population", Report 21 March 2005, Pew Hispanic Centre available at: <http://www.pewhispanic.org>

145 GUERETTE Rob and CLARKE Ronald, "Border enforcement, organized crime and deaths of smuggled migrants on the United States-Mexico border", European Journal on Criminology and Research, vol. 11 2005, p.159-174

146 ZHANG Sheldon, Smuggling and trafficking in human beings. All Roads Lead to America, opus cit., p. 21.

147 GAO, Combatting alien smuggling, opportunities exist to improve the Federal response", May 2005

148 CRS Report for Congress, "Border Security: Apprehensions of "Other than Mexican" Aliens", opus cit., p. 25.

Whilst the phenomenon was relatively uncontrolled until the early 1990s, the US Border Patrol started to implement a series of enforcement campaigns to bring the border under control as of 1993. According to Cornelius, however, the consequences of these campaigns has been to change the nature of the problem along the US-Mexico border from one of irregular immigration to one of migrant smuggling.¹⁴⁹ Although no comparative statistics are available, experts remark that migrant smuggling was a relatively limited phenomenon before 1993, whilst recent publications assess that an overwhelming majority of migrants, namely 80%, use the service of smugglers.¹⁵⁰

Torres highlights that, under the pressure of the US government – and in particular after the adoption of the 1990 Immigration Reform Act and the 1996 Immigrant Responsibility Act – , Mexico has developed a comprehensive legal and operational anti-immigration framework and increased the number of apprehensions and deportations.¹⁵¹ Whilst statistics show a decline in the number of deportations carried out by the Mexican authorities since 2006 (167,437 in 2006 against 215,695 in 2004), experts believe that there is no sign of a general decline in irregular migration from Central to North America. Instead, they point to the development of alternative routes and the use of more effective methods to evade detection.¹⁵² Andreas, for example, argues that the continuous upgrading of the US-Mexico border over recent years seems to have had the effect of diverting the flows of migrants towards other and less heavily guarded parts of the border, as well as to foster the sophistication of the migrant smugglers.¹⁵³ Similarly, in a survey of the impact of the enforcement strategy on the market for migrant smugglers, Gathmann shows that irregular migrants have switched from heavily patrolled areas to remote and dangerous crossing routes.¹⁵⁴

The literature reviewed reveals a marked interest for the smuggling of Chinese migrants to the United States. According to Zhang, the efficiency of Chinese smugglers – “snakeheads” - have received much media and political attention since they have managed to bring immigrants into the United States by maritime vessels, including offshore transfers of migrants, but also transit through South and Central America, Mexico and Canada.¹⁵⁵ According to IOM statistics published in 2000, the number of irregular migrants from China smuggled to the United States annually was then estimated at around 50 000.¹⁵⁶ According to information published in 2008, the US government has estimated that 30,000 to 40,000 Chinese are smuggled into United

149 CORNELIUS Wayne A., “Death at the border: efficacy and unintended consequences of US immigration control policy”, *Population and Development Review*, vol. 27 n. 4, December 2001, pp. 661-685

150 ZHANG Sheldon, *Smuggling and trafficking in human beings. All Roads Lead to America*, opus cit. p. 21.

151 TORRES Ariadna, “Human smuggling: policies, practices and legislation (Mexico 2000-2003)”, in *International Council on Human Rights Policy, Migration: Human Rights Protection of Smuggled Persons*, Geneva 25-26 July 2006

152 IOM, 2008 *World Migration Report*, opus cit. p. 212.

153 ANDREAS Peter, *Border Games: Policing the U.S.-Mexico Divide* (Cornell University Press, 2000, second edition 2009) quoted p. 60 in LUTTERBECK Derek, “Policing Migration in the Mediterranean”, pp. 59-82 in *Mediterranean politics*, Vol.11, No.1, , March 2006

154 GATHMANN Christina, “The effects of enforcement on illegal markets: evidence from migrant smuggling along the South western Border”, *Discussion Paper n° 1004*, Institute for the Study of Labor (IZA), January 2004

155 ZHANG S., “Smuggling and Trafficking in human being. All roads lead to America”, opus cit., p. 18

156 SKELDON Ronald, “Myths and Realities of Chinese Irregular Migration”, *IOM Research series*, n°1, 2000.

States each year, although researchers and academics believe that this figure is anywhere from 50,000 to 100,000.¹⁵⁷

Migrant smuggling and irregular migration within Latin America

While the intra-regional migration in Latin America has continuously declined, there has been a spectacular increase of migration towards to the United States. As previously mentioned, there has been a great increase in migrants smuggled to the United States, in particular from the following four countries: Honduras, Brazil, El Salvador, and Guatemala.¹⁵⁸ Intra-regional migration flows – both regular and irregular – still remain substantial in the Andean region in particular (with migrants from Ecuador and Columbia going to Venezuela) and to a lesser extent to the Southern Cone (with Brazilians, Paraguayans and Uruguayans migrating to Argentina and Peruvians and Bolivians moving to Chile).¹⁵⁹ Costa Rica has attracted a substantial number of migrant workers concentrated mainly in agriculture. According to the Costa Rican authorities, there were 50,400 seasonal migrant workers working in the agricultural sector in 2002-03 of whom 81% were undocumented.¹⁶⁰ While the existence of smuggling rings to facilitate intra-regional emigration in Latin America and the Caribbean countries is mentioned by authors such as Sanchez and Alvarado, the literature reviewed does not provide any comprehensive quantitative analysis of this phenomenon, with most available figures only focusing on irregular migration.¹⁶¹

The literature reviewed provides sporadic figures regarding the phenomenon of migrant smuggling in the Caribbean countries. In an article published in 2003, Thomas-Hope notes that there are only rough estimates about the number of migrants who actually land at their various destinations, but there are no detailed statistics available on illegal entry into the islands of the Eastern Caribbean.¹⁶² She also argues that most irregular migrants moving into the Caribbean are from China. In the early 2000s, a large number of Chinese migrants were smuggled annually by organized rings and syndicates into the area, including the US. Many of those destined for the US land first in the Caribbean, especially the islands of the eastern Caribbean or in Central America for later attempts to reach the US.¹⁶³ According to Kyle and Scarcelli, intra-Caribbean migration has radically evolved since the Haitian coup in 1991 when the US became overwhelmed by ten of thousands of Haitian “boat people”, thus leading the US government to enforce the suspension of the entry for all undocumented Haitian migrants.¹⁶⁴ As a result, the

157 All figures quoted in ZHANG S., “Smuggling and Trafficking in human being. All roads lead to America”, opus cit., p. 19.

158 CRS Report for Congress, “Border Security: Apprehensions of “Other than Mexican” Aliens”, opus cit., p. 25.

159 ALVARO Ivan Gonzalez and SANCHEZ Hilda, “Migration in Latin America and the Caribbean: a view from the ICFT/ORIT”, Labour Education 2002/4 n°129, available at <http://www.ilo.org/public/english/dialogue/actrav/regact/reglatam.htm>

160 Quoted in IOM 2008 World Report 2008, footnote 20 p. 213.

161 ALVARO Ivan Gonzalez and SANCHEZ Hilda, “Migration in Latin America and the Caribbean: a view from the ICFT/ORIT”, opus cit.

162 THOMAS-HOPE Elizabeth, “Irregular Migration and Asylum Seekers in Caribbean”, . Discussion Paper n° 2003/48, World Institute for Development Economic Research (WIDER), June 2003.

163 THOMAS-HOPE Elizabeth, “Irregular Migration and Asylum Seekers in Caribbean”, opus cit., p. 5.

164 KYLE David and SCARCELLI Marc, “Migrant smuggling and the violence question: evolving illicit migration markets for Cuban and Haitian refugees”, Journal of Crime, Law, and Social Change, March 2009..

number of attempts by irregular migrants to reach the State of Florida has substantially decreased and the migration route was switched towards other Caribbean islands, especially the Bahamas and the Dominican Republic.¹⁶⁵ The sources reviewed did not include any comprehensive statistics about migrant smuggling from Haiti to other Caribbean Islands but according to the 2008 IOM World Migration report, there are between 50,000 to 700,000 Haitians living in the Dominican Republic without residence permits, while it is estimated that 40,000 to 50,000 Haitians reside in the Bahamas.¹⁶⁶ Furthermore, according to figures released in 2002 by the Ministry of Foreign Affairs of the Bahamas and the authorities in the Turks and Caicos Islands, there were around 6,000 Haitian irregular migrants intercepted in their territorial waters. Migrants are usually smuggled in undocumented boats operated by smuggling rings.¹⁶⁷

Migrant smuggling and irregular migration from Latin America to Europe

Although migration to Europe from Latin America has grown rapidly over the last decade, there is still a critical lack of research about that phenomenon as underlined by Padilla and Peixoto on the occasion of the expert workshop held within the framework of the 2006 Metropolis conference.¹⁶⁸

In a comprehensive study about irregular migration from Latin America to Europe, Pellegrino held that most of the flows are directed towards southern European countries, although other European countries have also seen significant increases.¹⁶⁹ Poverty and economic hardship caused by the recession in Latin America, together with the tightening of visa regimes in the United States after 11 September 2001, have been a major contributing cause of increased flows.

A limited study was carried out jointly by Interpol and Frontex in January 2007 based on questionnaires sent to German and Italian law enforcement authorities. However, due to its limited scope, the study does not include any comprehensive statistics and the focus of the study is irregular migration and trafficking for the purpose of sexual and labour exploitation.¹⁷⁰

4.1.4 Asia

East Asia and the Pacific

As already mentioned under 4.1.3, there has been some attempts to measure the smuggling trends between China and the United States. According to IOM statistics published in 2000, the number of irregular migrants from China smuggled to the United States annually was then

¹⁶⁵ IOM 2008 World Migration Report, opus cit., p. 213.

¹⁶⁶ Ibidem.

¹⁶⁷ THOMAS-HOPE Elizabeth, "Irregular Migration and Asylum Seekers in Caribbean", opus cit., p. 8.

¹⁶⁸ PADILLA Beatriz and PEIXOTO Joao, "Latin American Immigration to Southern Europe" Migration Information Source, June 2007 available at : [http:// www.migrationinformation.org](http://www.migrationinformation.org)

¹⁶⁹ PELLEGRINO Adela, "Migration from Latin America to Europe trends and policy challenges", IOM Migration Research Series n°16, 2004.

¹⁷⁰ INTERPOL, Analytical report on the Operation Amazon – smuggling of human beings, January 2007.

estimated at around 50,000.¹⁷¹ According to information published in 2008, the US government has estimated that 30,000 to 40,000 Chinese are smuggled into United States each year, while researchers and academics believe that this figure is anywhere from 50,000 to 100,000.¹⁷²

According to the literature reviewed, the issue of migrant smuggling in the East Asia and Pacific region has raised limited interest in contrast with that of human trafficking, in particular trafficking for the purpose of sexual exploitation of women and girls.¹⁷³ Further, the figures available are very patchy with a predominant focus on irregular flows towards Australia. These limitations should therefore be borne in mind when reading the information enclosed in this paragraph which should only be seen as indicative.

In a 2000 report on migrant smuggling and human trafficking from the Philippines, the UNICRI and the AIC stressed that the absence of accurate statistics on the magnitude of migrant smuggling or human trafficking in the East Asia and Pacific region can be explained by several factors including the lack of systems to collect data about migrant smuggling but also by the fact that countries in the region use different definitions of smuggling and trafficking.¹⁷⁴ Although quite old, this information was confirmed by the 2008 report of the Pacific Immigration Directors that has highlighted that many countries in the region have still not developed an adequate legal framework to tackle these issues, thus leading to confusions between migrant smuggling and human trafficking.¹⁷⁵ According to the same source, the reported number of migrant smuggling cases detected in 2007 in the East Asia and Pacific region was 114 involving 209 people smuggled. Australia reported 73 detections involving 135 people being smuggled – the highest number for the region. Other countries in the region each reported only a handful of cases.¹⁷⁶ Numbers reported are surprisingly low if compared to the total number of irregular arrivals at the border - more than 3,500 individuals – and undocumented migrants - around 46,500 - reported by Australia for that same year.¹⁷⁷

Another important gap to be noted is that although countries such as China (Hong-Kong), South Korea, Malaysia, Taiwan and Thailand host a large number of undocumented migrants coming

171 SKELDON Ronald, "Myths and Realities of Chinese Irregular Migration", IOM Research series, n°1, 2000.

172 All figures quoted in ZHANG S., "Smuggling and Trafficking in human being. All roads lead to America", opus cit., p. 19.

173 For example DAVID Fiona and MONZINI Paola, "Human smuggling and trafficking: a desk review on the trafficking in women from Philippines", UNICRI and AIC, doc. A/CONF.187/CRP.1, April 2000; See also information enclosed in the 2008 IOM World Migration Report and 2008 US TIP Report. SCHLOENHARDT Andreas, "Migrant trafficking and regional security", Forum for Applied Research and Public Policy, n° 16 (Summer 2001), pp. 83-88; SCHLOENHARDT Andreas, "Organized Crime and Migrant Smuggling. Australia and the Asia-Pacific.", AIC, Research and Public Policy Series n° 44, Canberra, 2002; SCHLOENHARDT Andreas. "Organized Crime and the Business of Migrant Trafficking. An Economic Analysis", AIC, Occasional Seminar Paper, Canberra, 10 November 1999.

174 UNICRI and AIC, Rapid assessment: human smuggling and trafficking from the Philippines, November 1999, doc. A/CONF.187/CRP.1, April 2000

175 Pacific Immigration Director's conference, People smuggling, human trafficking and illegal migration in the Pacific. A regional perspective, April 2008

176 Pacific Immigration Director's conference, People smuggling, human trafficking and illegal migration in the Pacific. A regional perspective, opus cit., p. 21.

177 Pacific Immigration Director's conference, People smuggling, human trafficking and illegal migration in the Pacific. A regional perspective, opus cit., p. 12.

from neighbouring countries, there are currently no consolidated figures available on the specific issue of migrant smuggling. According to the 2008 IOM World migration report, Japanese authorities reported that approximately 207,000 irregular migrants were recorded in early 2005 – mainly overstayers, while another estimated 30,000 persons were smuggled by boat.¹⁷⁸

South and South-West Asia

According to the literature reviewed, there is very little research and few studies available about the phenomenon of migrant smuggling in South and South-West Asia. The available figures offer a very limited understanding of that issue.

The reviewed migrant smuggling studies about India do not offer any consolidated statistics, although a 2009 UNODC report about Tamil Nadu provides deportation figures for the period January 2007 to May 2007 from Chennai airport. Though the data are for a limited period, they are significant as an indicator of the volume of irregular migration. It may be noted that about 140 people on average are being deported every month to Chennai from different countries or are being prevented from departing by immigration authorities in Chennai.¹⁷⁹

According to Koser,¹⁸⁰ gauging the scale of migrant smuggling between either Afghanistan or Pakistan and the UK is difficult for a number of reasons. First, there is no published work on irregular migration and migrant smuggling between these countries and the trends described largely derive from media reports in Pakistan, various unpublished reports especially by local non-governmental organizations in Pakistan, and interviews with key stakeholders. A second complication is that it is very difficult to distinguish the smuggling of Afghans from Pakistan to the West from that of Pakistanis. Lastly, there are simply no accurate data on the totality of migrant smuggling from Afghanistan and there are only some indicative figures for the smuggling of Pakistanis. Some sources estimated in 2004 that as many as 500,000 people per year were being smuggled into and out of Pakistan each year, of which, however, only a small proportion will be Afghans or Pakistanis being smuggled to the West.¹⁸¹

178 IOM, World Migration Report, opus cit., p. 216.

179 P. 8 in UNODC, Smuggling of migrants from India to Europe and in particular to the UK - a study on Tamil Nadu, 2009.

180 KOSER Khalid, "Why migrant smuggling pays", International Migration, vol. 46 (2) 2008.

181 KOSER Khalid, "Why Migrant Smuggling Pays", opus cit., p. 8.

4.2 Overview of migrant smuggling routes

4.2.1 Migrant smuggling routes from the perspective of the destination countries

According to some Western authors such as Koser, Zhang, or Schloenhardt, smuggling routes are systematically converging towards high income countries. According to Zhang, for example, the global geography of migrant smuggling can be divided into four main smuggling routes.¹⁸²

The African routes

Zhang observes that one of the major smuggling routes is from Africa through Spain and Italy to Western Europe.¹⁸³ In its World Migration Report 2008, the IOM gave some further details about travel routes from East and West Africa to Europe. The most utilized one originates from the Gulf of Guinea, crosses Mali and Niger and leads North, through Algeria, where it bifurcates east towards Libya and west towards Morocco. Agadez in Niger, Gao and Kidal in Mali, and Tamanrasset in Algeria are transit nodes. A different route cuts southwest towards Senegal and Mauritania to cross over to the Canary Islands. The route that originates from East Africa cuts across Sudan, with Selima as the nodal point, and enters Libya at Kufra, the major port of entry, where migrants stay a short time before reaching the coast. Tripoli and Benghazi are the main departure points, with Lampedusa as the preferred destination.¹⁸⁴ Detailed maps of smuggling routes can be found in numerous studies *inter alia* research published by ICMPD, by Charef, Cebrián and Carling.¹⁸⁵

According to Lutterbeck, maritime patrols and migrants' interception carried out by the Italian and Spanish authorities have led smugglers to also use Malta as a destination country.¹⁸⁶ In addition, Malta has recently become a country of destination for an increasing number of immigrants from West African countries, in particular the Ivory Coast and Mali.¹⁸⁷ However, as highlighted under 4.1.1 this phenomenon remains limited to about 2,500 persons smuggled annually.

Furthermore, the literature published recently highlights the diversity of the migrant smuggling phenomenon in Northern Africa and the Middle East region. Indeed, the Egyptian-Israeli border has become in the space of a few years a point of clandestine passage towards Israel for migrants and asylum-seekers mainly originating from Africa. Despite the fact that illegal border crossing is very risky, smuggling of migrants at the Sinai border has dramatically increased these past years. The Bedouin migrant smugglers play a role in these crossings, which generate a

182 ZHANG Sheldon, Smuggling and trafficking in human beings. All roads lead to America, opus cit., p. 17-18.

183 Ibidem.

184 IOM, World Migration Report, opus cit., p. 216.

185 ICMPD, I-Map project available at : <https://www.imap-migration.org> ; CHAREF Mohammed and CEBRIAN Juan, "Des pateras aux cayucos: dangers d'un parcours, stratégies en réseau et nécessité de passeurs", Migrations et Société, vol. 21 n°25, sept-oct. 2009 ; CARLING Jorgen, "Unauthorized migration from Africa to Spain", opus cit., p.

186 LUTTERBECK Derek, "Small frontiers island: Malta and the challenge of irregular migration", opus cit., p. 123.

187 LUTTERBECK Derek, "Small frontiers island: Malta and the challenge of irregular migration", opus cit., p. 123.

border economy perpetuating the old informal and illegal trade routes still controlled by the region's Bedouin population.¹⁸⁸ According to Human Rights Watch, hundreds of tunnels were built between Rafah and Egypt in order to circumvent travel restrictions.¹⁸⁹

The Central Asian routes

According to Zhang, another important migrant smuggling route extends from Central Asia through Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan to Russia. From there, migrants are smuggled via Ukraine, Slovakia, and the Czech Republic, to Western Europe and onwards to North America. According to the same author, the Balkan route - with transit points in Turkey and Iran – also plays a pivotal role as a migrant smuggling route.¹⁹⁰

Although the Central Asian route is one of the foremost smuggling routes, there is still little academic research accessible on this matter, especially in comparison with the Mediterranean and West African regions. According to the literature reviewed most of the academic sources available tend to focus on the Greek-Turkish route and on the Balkans.¹⁹¹

In an extensive report about smuggling routes in Central Asia published by the IOM in 2006, it was noted that the majority of the smuggled migrants transiting through Central Asia come from South Asia especially from Afghanistan, Bangladesh, India, Pakistan and Sri Lanka, as well as from China. They often enter Central Asia with student, tourist or business visas, obtained under false pretences and cross green borders on route. Smuggled migrants from South Asia generally arrive first in Kyrgyzstan and Tajikistan, and then travel further with the help of smugglers through Kazakhstan and Russia, passing through Belarus and Poland to enter Western Europe".¹⁹² According to the same source, smuggling of citizens of Central Asian countries to Europe is rarer as these migrants usually enter legally and then overstay.¹⁹³

The Asia Pacific routes

According to Zhang, another important smuggling route leads from the Middle East and Asia to Oceania, with Australia as the number one destination. Irregular migrants often enter Malaysia

188 See ANTEBY-YEMINI Lisa, "Migrations africaines et nouveaux enjeux de la frontière israélo-palestinienne », *Cultures & Conflits*, hiver 2008, *Frontières et logiques de passage*, available at : <http://www.conflits.org/index17307.html>; Human Rights Watch, "Sinai Perils. Risks to Migrants, Refugees, and Asylum Seekers in Egypt and Israel", November 2008.

189 Human Rights Watch, "Sinai Perils. Risks to Migrants, Refugees, and Asylum Seekers in Egypt and Israel", opus cit., p. 37; Human Rights Watch, "Razing Rafah: Mass Home demolitions in Gaza Strip", October 2004, available at: <http://hrw.org/reports/2004/Rafah1004>

190 ZHANG Sheldon, *Smuggling and trafficking in human beings. All roads lead to America*, opus cit., p.18.

191 See for example, KALAITZIDIS Akis, "Human Smuggling and Trafficking in the Balkans: Is it Fortress Europe?" *Journal of the Institute of International Affairs and Justice*, n° 5 April 2005; MAVRIS Lejla, "Asylum seekers and human smuggling: Bosnia and Former Yugoslavia as a transit region", Paper presented at the WIDER/UNU Conference on "Poverty, International Migration and Asylum", 27-28 Sept. 2002, Helsinki Finland.

192 P. 18-19 in IOM (GEMBICKA Katarina), "Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)", IOM Research Paper, 2006.

193 UNHCR, *Asylum levels and trends in Industrialised countries, Second Quarter 2005* quoted p. 20 in IOM (GEMBICKA Katarina), "Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)", opus cit.

first and then Indonesia, where they travel on land to the southern Indonesian islands of Bali, Flores or Lombok; from there they can embark for Australia.¹⁹⁴

According to the literature reviewed, in most detected cases smuggled migrants come from China, but a number of them also come from South Asian countries, such as Bangladesh, India, Myanmar and Sri Lanka. The reported common routes used by migrant smugglers are believed to start in South Korea or one of the South East Asian countries of Thailand, Singapore or the Philippines. The Pacific Islands are reported to be used for further transit points before movement to Australia, New Zealand, Europe and North America.¹⁹⁵

According to Lintner, thousands of Chinese migrants are smuggled through the so-called Golden Triangle (Burma, Laos, and Cambodia) into the United States, as well as into Japan, Taiwan, Australia or Europe. While migrants hope to migrate to western countries they often end up spending months if not years in smuggling hubs, in one of the above-mentioned countries, which are run by criminal gangs.¹⁹⁶

The American routes

According to Zhang, another important smuggling route leads to North America with the United States often considered as the most desirable destination. In the 1990s, the smuggling of migrants – coming in particular from China - by ships loaded with hundreds of people landing on the west coast of the United States attracted a great deal of media and political attention. According to Skeldon and Sein, the case of *The Golden Venture*, which grounded itself onto a beach to unload 286 smuggled Chinese migrants became a symbol of this form of smuggling.¹⁹⁷ Due to harsher prosecution policy and stringent control measures subsequently implemented by US border guards, this phenomenon has become less frequent in recent years and new forms of migrant smuggling have developed. Zhang remarks that migrants holding irregular travel documents are on the rise at US airports. If they are caught, they immediately petition for political asylum. If not, they will find ways to adjust their legal status or simply overstay their visa.¹⁹⁸

As already discussed earlier, most irregular immigrants enter the US by crossing the two-thousand-mile US-Mexican borders (see 4.2.1).

According to Thomas-Hope, migrant smuggling by sea in the Caribbean also offers an opportunity to enter the US or a second Caribbean country. The boats are undocumented and in many cases operated by smuggling rings. Large boats are usually used if direct travel to the US is intended, but to reduce the risk of being intercepted by the Coastguard, the final leg of the journey is made in small boats, usually from archipelagos of the Bahamas, or the Turks and

194 ZHANG Sheldon, *Smuggling and trafficking in human beings. All roads lead to America*, opus cit., p. 18.

195 P. 23 in Pacific immigration directors' conference (PIDC), "People smuggling, human trafficking and illegal immigration in the Pacific: a regional perspective – January to December 2007", report published in April 2008.

196 LINTNER Bertil, "Illegal Aliens Smuggling to and through Southeast Asia's Golden Triangle", pp. 108-119 in NYIRI Pal and ROSTISLAVOVICH Igor, *Globalizing Chinese Migration: trends in Europe and Asia*, Ashgate publishing, 2002.

197 Quoted p. 7 in SKELDON Ronald, "Myths and Realities of Chinese Irregular Migration", IOM Research series, n°1, 2000. SEIN Andrew J., "The prosecution of Chinese organized crime groups: the Sister Pig case and its lessons", *Trends in Organized Crime*, May 2008, online review, Springer Publishers.

198 ZHANG Sheldon, *Smuggling and trafficking in human beings. All roads lead to America*, opus cit., p. 18.

Caicos Islands. Haiti, Cuba and the Dominican Republic are the sources for these irregular movements. Haitians chiefly travel to the Bahamas or the Turks and Caicos Islands almost always with the intention of relocating to the US, while Cubans prefer to travel directly to Florida. Haitians and Dominicans also travel eastwards to islands having a prosperous tourist industry. The route of irregular migrants from the Dominican Republic has traditionally been – and continues to be – across the Mona Passage to Puerto Rico with the aim of moving onto the US. More recently, there has been movement from the Dominican Republic to the various Eastern Caribbean islands that could, in the eyes of the migrants, later provide possibilities for entry either to the US or the EU. This movement is also characterized by smuggling rings involved in the trafficking of young women and girls destined for prostitution at locations in the Caribbean itself, especially in the former Netherlands Antilles, or in Europe.¹⁹⁹

Very little information is available in the literature despite the importance of the Caribbean countries in the process of smuggling migrants to the United States and elsewhere.

4.2.2 Migrant smuggling routes from the perspective of the source and transit countries

Academics have recently focused more on inter-regional movements. Their research highlights the importance of migrant smuggling routes towards countries that are traditionally considered as “transit destinations”.

For instance, countries in the Caribbean largely provide the intended transit stops to the United States, but with the implementation of policies to intercept migrants at sea, many of these intermediary locations become final destinations. These centres are the nodal points of an established transnational network that sustains the process of irregular migration and migrant smuggling.²⁰⁰

On the basis of his research about migration in Northern African countries, de Haas also questioned the validity of the ‘*transit migration*’ theory. This author believes that this concept is misleading as it ignores empirical evidence which shows that migrants’ journeys may take months or years and are generally made in stages. Further, empirical research also shows that a substantial proportion of labour, student and refugee migrants consider North African countries as their primary destination. Further, de Haas believes that the ‘*transit migration*’ theory is inadequate since a substantial proportion of migrants failing or not venturing to enter Europe prefer to settle in North Africa than to return to their substantially less safe and poorer countries of origin.²⁰¹ According to Collyer, increased migration controls have led migrants to delay their departure or will discourage others from crossing altogether. The time a migrant will stay in a transit country between entry and embarkation for Europe might be estimated at approximately 15 months.²⁰² On the basis of interviews with some West African migrants, Robin remarks that it

199 THOMAS-HOPE Elizabeth, “Irregular migration and asylum-seekers in the Caribbean”, opus cit., p. 7

200 THOMAS-HOPE Elizabeth, “Irregular migration and asylum-seekers in the Caribbean”, opus cit., p. 2.

201 HAAS (de) Hein, “Irregular migration from Africa to Europe: questioning the transit hypothesis”, Research Paper, International Migration Institute, Oxford University, August 2007, available at: www.imi.ox.ac.uk

202 COLLYER Michael, “States of insecurity: consequences of Saharan transit migration”, opus cit., p. 14.

is not uncommon for migrants to spend several years 'waiting' in Morocco before actually crossing the Mediterranean Sea.²⁰³ This analysis is confirmed by a 2009 report by the Frontex agency that points to the fact that large portions of the sea-crossing occur in multiple stages, with migrants spending several months travelling and/or working in different hubs along the route.²⁰⁴ According to Monzini and Hamood, Libya is an attractive destination country.²⁰⁵ An economy for transit migration has flourished, especially in cities like Kufra and Sebha (in Libya), which now have sizeable established communities of sub-Saharan Africans working mostly in agriculture, allowing them to prepare for their departure.²⁰⁶

While Libya remains a preferred destination for economic migrants due to its persistent needs for immigrant labour, there were significant changes in migration patterns after 2000 with the mounting xenophobia in Libya and the violent clashes between Libyans and foreign workers. This might have contributed to a diversification and partial westward shift of trans-Saharan migration routes towards Algeria, Morocco, and Tunisia.²⁰⁷ De Haas also observes that Northern African countries seem to be entering the third phase of their migration transition, characterised by decreasing emigration and increasing immigration. In 2006, the same author published a thorough study on Morocco, which he considers to have become a "labo[u]r frontier country".²⁰⁸ This conclusion is shared by Pliez who stresses that - due to ever harsher migration controls at EU external borders - an increasing number of migrants are settling in urban peripheries of cities in the Sahara region that has gradually become a "migratory space by default".²⁰⁹

Empirical research about West Africa carried out by Boni, Charrière and Frésia also highlights the importance of migrant smuggling and irregular migration towards some Western African countries that have a relatively attractive economy, e.g. Senegal, Ivory Coast and Gabon but also towards the Republic of South Africa.²¹⁰

International organizations and researchers are now looking at the growing phenomenon of migrant smuggling in East Africa (in particular in the region of the Gulf of Aden – see statistics under 4.1.3). According to Médecins Sans Frontières (MSF), and the Mixed Migration Task Force co-chaired by IOM and UNHCR, there are thousands of people risking their lives every year to cross the Gulf of Aden to escape from conflict, violence, drought and poverty. Due to the

203 ROBIN Nelly, « L'immigration subsaharienne en Espagne vue du Sud: entre appel économique et protectionnisme politique », *Migrations & Société*, volume n°21, n°125, septembre-octobre 2009.

204 FRONTEX, "The impact of the global economic crisis on illegal migration to the EU", August 2009 available at http://www.frontex.europa.eu/gfx/frontex/files/justyna/frontex_raport.pdf

205 MONZINI Paola, "Sea border Crossings: The Organization of Irregular Migration to Italy", *Mediterranean Politics*, vol.12, n°2, July 2007; HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", Research Paper, American University in Cairo, January 2006.

206 HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 18

207 HAAS (de) Hein, "Irregular Migration from West Africa to the Maghreb and the EU: An overview of recent trends", opus cit., p. 16.

208 P. 57 in HAAS (de) Hein, "Morocco's migration experience: a transitional perspective", *International Migration*, vol. 45 (4) 2006.

209 PLIEZ Olivier, "Le Sahara libyen dans les nouvelles configurations migratoires", opus cit., p. 170

210 BONI Tanella, « L'Afrique des clandestins », *Informations sur les Sciences sociales – numéro spécial : Migrants et clandestinité*, vol. 47 n° 4, 2008 ; CHARRIERE Florianne et FRESIA Marion, *L'Afrique de l'Ouest comme espace migratoire et espace de protection*, opus cit., p. 13-18.

escalation in the conflict in Somalia and the food crisis in parts of the Horn of Africa (Ethiopia), these organizations deem that more and more people will join the already large refugee and migrant population in Yemen. Lacking safe and legal alternatives to leave their country, refugees and migrants have to use the services of smugglers to cross the Gulf of Aden.²¹¹ The majority of the Somalis arrive on the Arab Sea from the surroundings of Bossaso, in Puntland, whereas the majority of the Ethiopians undertake the crossing from Obock, in Djibouti, and land on the Red Sea coast.²¹²

According to a research published by IOM in 2009, there is an increasing number of male migrants smuggled from East Africa and the Horn (Ethiopia, Kenya, Somalia) to South Africa (RSA) each year. The irregular migrants from Ethiopia and Somalia have a number of choices in terms of mode of travel, depending on their economic status but also on the choices offered by smugglers at any particular time. The most direct entry into RSA involves flying. The alternatives to direct air travel are: a combination of limited air travel with additional road travel, a combination of boat and road travel, or the most common choice, overland travel the entire way. In many cases, migrants must walk certain stretches of the smuggled journey – in some cases for many days at a time.²¹³

Smuggling of migrants within the Central Asian region has raised some interest, although it is not such a frequent occurrence, due to the visa-free regime, which allows Central Asian migrants to cross borders without visas, except those of Turkmenistan and Uzbekistan.²¹⁴ Based on information gathered in 2006 in Kazakhstan, Kyrgyzstan and Tajikistan, IOM reports that smuggling within and through the region occurs due to the difficulty in obtaining a visa and to save the costs of different certificates necessary for crossing the border.²¹⁵ Due to the great differences in economic levels in Central Asia, labour migration is one of the most significant driving forces of migration movements in the region. Kazakhstan, for example, serves as a destination country for labour migrants from Tajikistan and Kyrgyzstan.

4.3 Conclusions

This chapter shows the lack of research methodology aiming to accurately measure the phenomenon of migrant smuggling. The lack of harmonized methodologies makes it very difficult to compare statistical data and get a realistic assessment of the scope of that phenomenon. The literature reviewed also reveals that there is a controversial use of the

211 Médecins sans Frontières (MSF), *No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden*, June 2008; Mixed Migration Task Force Somalia (co-chaired by UNHCR – IOM), *“Mixed migration through Somalia and across the Gulf of Aden”*, report, April 2008.

212 For a comprehensive description of the smuggling and migration routes see also THIOLLET Hélène, « La mobilité dans la Corne de l’Afrique : entre urgence humanitaire et contrainte sécuritaire », *Migrations et Société*, vol. 21, n°121, Jan-février 2009.

213 IOM (HORWOOD Christopher), *“In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”*, opus cit., p. 41.

214 IOM (GEMBICKA Katarina), *“Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”*, opus cit., p. 20.

215 Ibidem.

statistics by media and governmental reports which - according to some authors - tend to artificially inflate the smuggling trends.²¹⁶

Moreover, according to the literature accessible, the bulk of the research has been so far dedicated to the estimation of migrant smuggling to Western Europe and Northern America, whilst very little is known about the volume of migrant smuggling elsewhere.

Further research would be needed in order to fill the gaps identified. Research seems particularly needed regarding Central Asia and the Balkans; the Middle East; East and Southern Africa; Latin and Central America; East, West and South Asia.

The literature reviewed also reveals a dual perspective about the geographical trends and smuggling routes. The 'traditional' view holds that all smuggling trends are converging towards high income countries. This perspective is dominant in the literature published in the early 1990s. More recent research based on empirical evidence shows that smuggling routes are far more diverse than initially conceived and that Western-centric visions may not accurately represent the complex dynamics of migrant smuggling. Information gathered through recent empirical research also shows the adaptability of the smuggling organizations that shift routes according to law enforcement counter-measures.

Given the potential scope of intra-regional movements of smuggled migrants in the Southern hemisphere, it would be appropriate to undertake comprehensive research programmes, including an assessment of possible intra-regional migrant smuggling routes.

216 MONZINI Paola, PASTORE Ferruccio and SCIORTINO Guiseppe, "Human smuggling to and through Italy", opus cit., p. 4.

5 Profiles of smuggled migrants

This chapter includes a general discussion about the characteristics and profile of smuggled migrants (5.1). A profile of migrants and potential migrants who pay for a service and sustain the demand for the “smuggling market” is necessary to understand this market and to understand the smuggling process. The chapter considers in particular information available on the following issues: the social and educational background of the smuggled migrants; the role of the smuggled migrant during the smuggling process; and the presence of “vulnerable groups” amongst smuggled migrant populations – i.e. women, minors and refugees.

The migrants’ profile will then be analysed with a focus on the different regions of origin. When available, literature on source and destination countries are considered (5.2).

5.1 General profile of smuggled migrants

5.1.1 Social and educational background of smuggled migrants

According to the figures released by the IOM in the 2008 World Migration Report, the vast majority of the migrants around the world are young people, including a great proportion of minors under age.²¹⁷ Many developing countries have very young populations: in most African countries and many in Asia, about half of the population is under the age of 14.²¹⁸ As stressed by Doomernik and Kyle, these countries encourage their young people to emigrate since they are facing severe underemployment and unemployment.²¹⁹ Some authors have considered the role of State authorities – in particular in Spain and in the Philippines - in migrant-exporting schemes.²²⁰ Although there are no global consolidated figures about the age pyramid of smuggled migrants, the figures included in regional research tend to confirm that smuggled migrants are usually recruited amongst the young population.

There are some diverging views about the social and educational background of smuggled migrants. According to authors like Aronowitz, smuggled persons are usually the most disadvantaged in their own countries, with poor job skills or little chance of successful employment at home. They are often women and children as shown by the smuggling and

217 IOM, 2008 World Migration Report, opus cit., p. 206.

218 CIA World Fact Book, <http://www.cia.gov/cua/publicationsfactbook/>

219 DOOMERNIK Jeroen and KYLE David, “Organized Migrant Smuggling and State Control: Conceptual and Policies changes”, opus cit., p. 266.

220 SIRACUSA Christina and ACACIO Kristel, “State Migrant-Exporting Schemes and their Implications for the Rise of Illicit Migration: A Comparison of Spain and the Philippines”, *Journal of International Migration and Integration*, volume 5 n°3, summer 2004; KYLE David and LIANG Zai, “Migration merchants: human smuggling from Ecuador and China”, opus cit.

human trafficking patterns in countries in East and Central Europe and West Africa.²²¹ According to the IOM, research on the profile of persons using the service of smugglers in Central Asia would also present similar characteristics.²²²

However, other research presents a more nuanced picture. According to Carling, the financial cost of migration means that Sub-Saharan African transit migrants are often not the poorest of the poor.²²³ Collyer stresses that in many cases, the precipitating factor in people's decision to risk migrating to Europe is not absolute poverty in itself, but a deterioration in living standards due to job loss, political upheaval and fear of political persecutions in their country of origin, or other circumstances.²²⁴ He further argues that the lack of prospects for self-realization and the inability to meet their personal aspirations are strong incentives for migrants.²²⁵ Some authors argue that the profile of migrants has changed since the late 1990s. Within the context of Western Africa, de Haas notes that relatively well-off individuals and households may consciously choose to migrate in order to enhance their livelihoods.²²⁶ This opinion is shared by authors who have analysed migration trends in other parts of the world, particularly in Asia and the Middle East.²²⁷ Schematically, migration is often perceived as the best option to improve their livelihood for 'working poor' or young skilled people without real perspective in their country of origin. According to UNODC research in India or to authors such as Robin, Koser, Herman or Khachani, migrants have to fulfil the families' expectation, in particular where families participate in the financing of the travel.²²⁸

Some researchers have analysed the profile of migrants in relation to the smuggling methods used. Although scarcely used, this methodology has proved to be a very useful way to gain insight about smuggled migrants and the organization of the smuggling market. While the most privileged are able to afford an all inclusive service – including travel documents – with very

221 ARONOWITZ Alexis, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit., p. 167-168.

222 IOM (GEMBICKA Katarina), "Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)", opus cit.

223 CARLING Jorgen, "Unauthorized migration from Africa to Spain", opus cit., p. 13.

224 COLLYER Michael, "Undocumented sub-Saharan African migrants in Morocco", Working Paper, Sussex Centre for Migration Research, University of Sussex quoted CARLING Jorgen, "Unauthorized migration from Africa to Spain", opus cit., p. 13.

225 COLLYER, Michael, "States of insecurity: consequences of Saharan transit migration", opus cit.

226 HAAS (de) Hein, "The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU", opus cit., p. iv.

227 See for instance an interesting piece about Chinese migrants from the Fujian Province in SKELDON Ronald, "Myths and Realities of Chinese Irregular Migration", IOM Research series, n°1, 2000; BILECEN Basak, "Human smuggling networks operating between Middle east and the European Union Evidence from Iranian, Iraqi and Afghani migrants in the Netherlands", opus cit. ; UNODC, Smuggling of migrants from India to Europe and in particular to the UK - a study on Tamil Nadu, 2009

228 UNODC, Smuggling of migrants from India to Europe and in particular to the UK - a study on Tamil Nadu, 2009; ROBIN Nelly, « L'immigration subsaharienne en Espagne vue du Sud: entre appel économique et protectionnisme politique », opus cit., p. 87; KOSER Khalil, "Why Migrant Smuggling Pays", opus cit., p. 21; HERMAN Emma, "Migration as a family business: the role of personal networks in the mobility phase of migration", opus cit., p. 198.; KHACHANI Mohamed, "La migration clandestine au Maroc", CARIM Analytic and Synthetic Notes 2008/50, Irregular Migration Series, 2008 quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

limited risks of interception, the poorer have to rely on low-cost options with a high failure rate at border crossings and risks of human rights abuses.²²⁹ The means of transport used may also reflect an absolute necessity for people to leave their country. Regardless of their social background, refugees fleeing conflicts and persecutions may have to embark on a hazardous journey in order to escape violence and destitution.²³⁰

5.1.2 The role of the smuggled migrant in the smuggling process

Some academics have paid a great interest in the role of individual migrants in the migration and smuggling process.

There are two schools of thoughts:

In the literature analysing migrant smuggling as a business or as security threat (*see chapter 2*), the migrants are often presented as pure *objects trapped by criminal networks* who are moved around like parcels. The description by Salt and Stein is symbolic of this theory where migrants seem to have no control over the migration process. These authors divide the smuggling process into three consecutive stages: 1) the process of recruitment of migrants in origin countries, 2) the process of transportation of the migrants from origin to destination countries; 3) and the process of 'integration' into destination countries.²³¹ This school of thought usually describes the organization and *modus operandi* of the smuggling process in great detail while little or no attention is paid to the individual migrants themselves. Van Liempt and Doornik expressed critique towards the Salt and Stein's model as it presents the migrants as passive actors who simply follow the smugglers, thus ignoring their experiences, motivations, and impact upon decisions made during the process.²³²

Sociological research focuses on the migrant's role within the smuggling process. In that case, that process is presented as being at least partially the result of an individual choice from the migrant, or, as it is most often the case, from his community. Some of the recent literature published about the migrant smuggling process in Africa focuses on the psychological conditions of migrants.²³³ In this type of literature, the migrant is presented as a *subject of the migration process* although he cannot control it entirely. The financial means of the migrant - or lack thereof - have an obvious impact on the migrant's capacity to control the migration process. According to Van Liempt, individuals act strategically, but the capacity for such action

229 MONZONI Paola, "Migration: Human Rights of Irregular Migrants in Italy", in International Council on Human Rights Policy, *Migration: Human Rights Protection of Smuggled Persons*, Geneva 25-26 July 2006; PASTORE Ferruccio et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit..

230 Médecins sans Frontières (MSF), *No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden*, June 2008

231 SALT John and STEIN Jeremy, "Migration as a business: the case of trafficking", opus cit. p. 477. Please note that the terms "trafficking" and "migrant smuggling" are used interchangeably under that paragraph.

232 VAN LIEMPT Ilse and DOORNIK Jeroen, "Migrant's agency in the smuggling process the perspective of smuggled migrants in the Netherlands", opus cit., p. 166.

233 See the analysis of UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

is differentially distributed according to access to resources.²³⁴ According to Van Hear, the choice of destination is very much influenced by the amount of funds available. Migrants with little funds are often guided over short distances and over dangerous routes. Those with more funds may be able to buy a total package and travel in a more secure way. Besides, those migrants who have to leave quickly do not have time to orientate and there is little interaction between the smuggler and the migrant most of the time, at least not in the first phase of the migration process.²³⁵

For authors like Doomernik and Kyle, migrants' control over their destiny also largely depends on how far they are embedded in a transnational community and whether there are some ethnic links between migrants.²³⁶ Bilger, Hoffmann and Jandl stress that information provided by migrant networks does not necessarily mean that migrants' state of knowledge on important aspects of their journey is sufficient. In reality, gathering information is often limited to rather loose contacts or casual conversations on the telephone with rumours and circulating 'hearsay information' playing a significant role in the decision-making process.²³⁷ This analysis is shared by Van Wijk who highlights that the migrants interviewed in the course of his research had chosen to go to the destination country – in that case, the Netherlands – “on the rather vague notion that it was told to be good”.²³⁸

According to authors like Bilger *et al.* and de Haas, a family's expectation seems to have a great influence on the migrants' motivation to reach their destination at any cost.²³⁹ Coureau stresses that although the journey might be a traumatic experience – often including suffering direct abuses and witnessing deaths of other migrants - nothing can ruin their determination.²⁴⁰ According to the report of the German Marshall Fund or to authors like Arab and Sempere Souvannavong, success stories of smuggled migrants increase the pressure of the community if they do not migrate i.e. not only do these persons remain poor but they are also perceived as lazy.²⁴¹ Reports about West African countries support the idea that the migration process is part

234 VAN LIEMPT Ilse, “The social organization of assisted migration”, opus cit., p. 6.

235 VAN HEAR Nicholas, “I went as far as my money could take me: conflict, forced migration and class”, Working Paper n°6, COMPAS, University of Oxford 2004 quoted in VAN LIEMPT Ilse and DOOMERNIK Jeroen, “Migrant's agency in the smuggling process the perspective of smuggled migrants in the Netherlands”, opus cit., p.179.

236 DOOMERNIK Jeroen and KYLE David, “Organized Migrant Smuggling and State Control: Conceptual and Policies changes”, opus cit. p. 268.

237 BILGER Veronika et al., “Human smuggling as a transnational service evidence from Austria”, International Migration vol.44 n°4 2006.

238 Van WIJK Joris, “Luanda-Angola: irregular migration from Angola to the Netherlands”, International Migration, 2008.

239 HAAS (de) Hein, “The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU”, opus cit., p. 26.; BILGER et al., “Human smuggling as a transnational service evidence from Austria”, opus cit., p. 71-73.

240 COUREAU Henri, “Tomorrow Inch Allah, chance! People smuggler networks in Sangatte”, opus cit., p. 376.

241 HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly, Conference report of the transatlantic workshop on human smuggling, supported by the German Marshall Fund, opus cit.; ARAB Chadia and SEMPRE SOUVANNAVONG Juan, “Les jeunes harragas maghrébins se dirigeant vers l'Espagne: des rêveurs aux “brûleurs de frontières”, Migrations et Société, vol. 21 n°125, sept-oct. 2009.

of the social identity ('to become someone and get married versus to be poor and marginalized') and receives the blessing of religious and father figures of the community ('Marabouts').²⁴²

5.1.3 'Vulnerable' migrants

The literature reviewed reveals a growing interest in the 'vulnerable' groups that may be amongst the smuggled migrant population i.e. women and children or asylum seekers and refugees. This evolution seems to be the result of a more social approach to the issue of migrant smuggling that has been developed over the last decade by contrast to earlier research that was focusing mainly on the organized crime component of that phenomenon. However, information available about migrant smuggling and the issue of vulnerable migrants is still scattered and very limited.

Women and minors

According to the literature reviewed, the vast majority of international migrants tend to be married male household heads, often from a property owning class, but this profile has started to change. According to Van Liempt, there is a feminization of migrant smuggling and a broadening of the range of ages and backgrounds.²⁴³ However, in term of absolute number, it seems that figures are still relatively low.²⁴⁴

It is interesting to note that the sociological profile of female migrants has greatly evolved. Research published in the 1990s and early 2000s – such as the research reports sponsored by the IOM and the German Marshall Fund – about that phenomenon would usually equate migrant smuggling of females with women fleeing poverty and ending up in prostitution networks.²⁴⁵

While this remains a reality in particular for certain countries like Nigeria,²⁴⁶ it seems that nowadays educated female migrants constitute an ever increasing proportion of the migrant smuggling population.²⁴⁷ According to Van Liempt, the growing number of women amongst smuggled migrants coming from former Soviet Union Republics can be explained by the fact that traditional ways of living together and forms of production have largely disappeared in these countries. Van Liempt believes that this evolution has caused a clear break between old

242 HALLAIRE Juliette, « La migration irrégulière au départ du Sénégal et à destination de l'Europe », power point presentation IOM workshop, May 2007 ; CARLING Jorgen, "Migration, Human Smuggling and Trafficking from Nigeria to Europe", opus cit. p. 29.

243 VAN LIEMPT Ilse, "The social organization of assisted migration", opus cit., p. 5.

244 For example, according to the 2006 UNODC report on irregular migration from Africa to Europe, less than 5% of the total number of irregular migrants in the period 2002-2004 were women, see UNODC, Organized crime and irregular migration from Africa to Europe, opus cit., p. 3.

245 HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly, Conference report of the transatlantic workshop on human smuggling, supported by the German Marshall Fund, opus cit.; IOM Studies :IOM, Transit migration in Romania, Geneva, 1993; IOM, Transit Migration in Hungary, Geneva, 1994; IOM, Transit migration in Poland, Geneva, 1994; IOM, Transit Migration in Turkey, Geneva, 1995.

246 CARLING Jorgen, "Unauthorised migration from Africa to Spain", opus cit., p. 8.

247 UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

and modern cultural beliefs, advancing consumerism, and a strong perception of easy access to wealth and success.²⁴⁸

Literature available about female migrants using the services of smugglers in conflict or post-conflict situations gives a very different analysis of that problem. The proportion of women in conflict areas is much higher as migration might then be the only survival strategy for the whole family.²⁴⁹

Literature focusing on gender issues is an eye opener on the extreme vulnerability and serious human rights violations experienced by women during their trip to the destination country, and sometimes even after their arrival. There are different opinions on the increasing number of pregnant women amongst migrants arriving irregularly in the destination countries. According to Carling, there is a belief that giving birth to a child in Spain will give them the right to remain in the country.²⁵⁰ A 2008 report of the French Senate also includes information about female migrants smuggled to Mayotte at a late stage of pregnancy with the hope to give birth on the French territory and thus that the child could get French citizenship at some point.²⁵¹ However, Daniel recorded testimonies of women who were sexually abused and who then got pregnant during their journey from Western Africa to Europe. Victims confessed that migrant smugglers would take away children and give them up for adoption. Sometimes, selling the child for adoption would pay the smuggler's fees.²⁵² Confirmation of similar situations could not be found in the literature reviewed; further research is clearly needed.

There is little research with a specific focus on unaccompanied minors amongst the sources reviewed. The information available highlights the great vulnerability of children under 18 years of age. Research carried out in Belgium and in Spain shows that unaccompanied minors are extremely vulnerable to criminal groups and they may then be pulled into a circle of exploitation and debt.²⁵³ This finding has also been confirmed by the research carried out by Uehling in the United States. She highlights that the debts incurred, ranging from several thousand dollars to come to Mexico or Central America, to an average of US\$ 50,000 to 70,000 to come from India or China, make children particularly vulnerable to human trafficking and other forms of exploitation.²⁵⁴ Cases reported by Daniel also show that an unintended consequence of a restrictive family reunification regime is to fuel the phenomenon of unaccompanied minors in

248 VAN LIEMPT Ilse, "The social organization of assisted migration", opus cit., p. 5.

249 See in particular IOM (HORWOOD Christopher), "In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa", IOM publishers, April 2009; Médecins sans Frontières (MSF), No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden, June 2008; Mixed Migration Task Force Somalia (co-chaired by UNHCR – IOM), "Mixed migration through Somalia and across the Gulf of Aden", report, April 2008.

250 CARLING Jorgen, "Unauthorised migration from Africa to Spain", opus cit., p. 9.

251 Sénat, Rapport d'information fait au nom de la commission des Finances, du contrôle budgétaire et des comptes économiques de la Nation sur l'immigration clandestine à Mayotte, n° 461 préparé par M. Henri TORRE, session extraordinaire 2007-2008.

252 DANIEL Serge, Les routes clandestines. L'Afrique des immigrés et des passeurs, opus cit. p. 9 and p. 173.

253 DERLUYN Ilse and BROEKAERT Eric, "On the way to a better future: Belgium as a transit country for trafficking and smuggling of unaccompanied minors", opus cit., p. 33; SENOVILLA HERNANDEZ Daniel, "Mineurs isolés étrangers en Espagne", Migrations et Société, vol. 21 n° 125, septembre-octobre 2009.

254 UEHLING Greta Lynn, "The international smuggling of children: coyotes, snakeheads, and the politics of compassion", opus cit., p. 834.

West Africa.²⁵⁵ While acknowledging the tensions and contradictions inherent in current practices, Van Wijk stresses however that blanket non-removal policies implemented by the Netherlands towards unaccompanied minors from Angola had the perverse effect of fuelling the smuggling process. Another critical problem, according to him, is that migrants would keep silent about the difficulties they faced on their way to Europe and in the destination country, thus feeding the myth of a good life abroad.²⁵⁶

Refugees and asylum seekers

Research established that an overwhelming majority of persons seeking asylum - particularly in Europe - use the services of smuggling networks.²⁵⁷

The literature reviewed shows that there has been an intense academic debate about the impact of anti-smuggling policies on access to international protection.²⁵⁸ Koser highlights the inherent contradictions and dilemmas of smuggling of asylum seekers: on the one hand smuggling can provide a valuable service, by enabling asylum seekers to escape persecutions and reach asylum; on the other hand, migrant smuggling can expose the already vulnerable to even greater vulnerability.²⁵⁹ Koser stresses that States are facing a policy conundrum, i.e. how to protect asylum seekers from insecurity associated with smuggling without closing the door for applying for international protection.²⁶⁰ Authors such as Doormenik and Hathaway argue that erecting border controls undermine access to international protection and recourse to migrant smugglers creates perverse effects because those who are most in need of international protection cannot afford to pay.²⁶¹ Brolan, Morrisson and Klepp insist on the ever increasing danger to systematically breach the principle of 'non-refoulement' - embedded in Article 33(1) of the Geneva Convention on Refugees as well as in core international human rights instruments -²⁶² if smuggled migrants that are intercepted are immediately returned to places where they may face persecutions without any possibility to seek asylum.²⁶³

255 DANIEL Serge, *Les routes clandestines. L'Afrique des immigrés et des passeurs*, opus cit. p. 238.

256 Van WIJK Joris, "Luanda-Angola: irregular migration from Angola to the Netherlands", opus cit., p. 19.

257 See table p. 19 in MORRISON John and CROSLAND Beth, "The trafficking and smuggling of refugees: the end game in European asylum policy?", UNHCR Working Paper n°39, 2000; see ARANOWITZ A., "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit., p. 169.

258 SPIJKERBOER Thomas, "The human cost of border control", *European Journal of Migration and Law*, volume 9 (2007) p. 127-139

259 KOSER Khalid "The Smuggling of Asylum Seekers into Western Europe: Contradictions, Conundrums, and Dilemmas", pp. 58-73 in KYLE David and KOSLOWSKI Rey (ed.), *Global Human Smuggling. Comparative Perspectives*, the John Hopkins University Press, Baltimore, 2001.

260 Ibidem.

261 DOOMERNIK Jeroen, "Migration and security. The wrong end of the stick?" quoted in DOOMERNIK Jeroen and KYLE David, "Organized Migrant Smuggling and State Control: Conceptual and Policies changes", opus cit., p. 269; HATHAWAY James C., "The Human Rights Quagmire of 'Human Trafficking'", *Virginia Journal of International Law*, vol. 49 n° 1 2008, pp. 1-27.

262 Art. 33(1) of the Geneva United Nations Convention Relating to the Status of Refugees : "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

263 MORRISON John and CROSLAND Beth, "The trafficking and smuggling of refugees: the end game in European

Further research is needed given the connections between smuggling and refugee movements.²⁶⁴ As shown by Coureau in his comprehensive study about migrant smuggling in the reception centre of Sangatte (France), human traffickers and migrant smugglers recruit potential clients in refugee camps and reception centres.²⁶⁵ Heckman *et al.* mention that smugglers and traffickers raided camps in Albania and Macedonia at the height of the Kosovo crisis, offering their ‘services’ to refugees.²⁶⁶ Similar patterns happen in refugee camps in Somalia.²⁶⁷

5.2 Profiles of migrants: a regional perspective

5.2.1 Europe

Western Europe²⁶⁸

Sources reviewed reveal a lack of consistent research on the profile of migrants smuggled to Western Europe. As already mentioned under paragraph 5.1, the research looking at migrant smuggling from a criminological perspective focuses on the organization and the *modus operandi* of smugglers and largely ignores the role of individual migrants in the smuggling process. While the sociological approach to migrant smuggling has primarily looked at smuggler-migrant relationships, it does provide however some valuable information about the migrants’ profile.

While insufficient in terms of quantity, it is interesting to note that the quality of the literature available for Western Europe seems to be better than for other regions as the sources reviewed include specific information about smuggled migrants instead of relying on general information about irregular migrants. In particular, researchers like Neske, Bilger, Van Wijk, Van Liempt and Doomernik have compiled solid information about the migrants’ profile on the basis of the interviews carried out with a large number of migrants – predominantly asylum seekers - smuggled to Western Europe.²⁶⁹ It is also worth underlining the originality of the methodology

asylum policy?”, opus cit., p. 32 ; BROLAN Claire, “An analysis of the human smuggling trade and the Protocol against the smuggling of migrants by land, air and sea (2000) from a refugee protection perspective”, opus cit. p.563 and p. 591 ; KLEPP Silja, “Negotiating the principle of non-refoulement in the Mediterranean Sea: missions, visions and policies at the Southern borders of the European Union”, Working paper series n°1, Graduate Centre Humanities and Social Sciences, Research Academy Leipzig, 2008

264 HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly, Conference report of the transatlantic workshop on human smuggling, supported by the German Marshall Fund, opus cit., p. 6.

265 COUREAU Henri, “Tomorrow Inch Allah, chance! People smuggler networks in Sangatte”, opus cit.

266 HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly, Conference report of the transatlantic workshop on human smuggling, supported by the German Marshall Fund, opus cit., p. 6.

267 Médecins sans Frontières (MSF), No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden, opus cit.

268 Please note that chapter 5.2.2 contains further information about the profile of migrants smuggled to Southern Europe .

269 BILGER Veronika et al., “Human smuggling as a transnational service evidence from Austria”, opus cit. ; NESKE Matthias, “Human smuggling to and through Germany”, opus cit., VAN LIEMPT Ilse and DOOMERNIK Jeroen, “

used by Koser in research about the financing of migrant smuggling from Afghanistan and Pakistan to the United Kingdom, which brings to light the sacrifice endured by households to pay for the journey of young male migrants.²⁷⁰

The sources reviewed highlight two main characteristics.

First, there seems to be an evolution of the profile of the persons using the services of smugglers, with an increasing number of women and highly qualified professionals amongst the migrants. The increasing number of unaccompanied minors is also a category of particular concern to relevant authorities in Western Europe.

Regarding the social and educational background, recent research has challenged the common assumption that smuggled migrants are un-educated young men of rural origin. Coureau carried out research in the reception centre of Sangatte (France) where the population hosted there was at the time predominantly Kurds, Afghans, Iranians and Albanians (from Kosovo and Albania). While the majority had little education, Coureau points at the great diversity of the migrants' social background – including highly qualified persons such as engineers, architects, lawyers, journalists, and writers. 95% of people living in the camp were single men with an average age of 24 years.²⁷¹

Içduygu's detailed analysis of transit irregular migration through Turkey also confirms that the migration profile has changed over time. The outcome of that study challenges stereotypes of smuggled migrants as young single men, who are poor, unskilled, from a rural background and with little formal education. Indeed, the sample of persons interviewed included both relatively young men and women, of diverse national and ethnic backgrounds, relatively well educated and with some experience of living in urban areas.²⁷² Koser insists on the fact that even though migrants are not necessarily poor, investing in the smuggling of a family member still represents a significant sacrifice – whether in the form of drawing on savings, selling possessions or taking out loans.²⁷³

In a thorough analysis of migrant smuggling to and through Germany, Neske points out that the country of origin is an important distinctive feature when it comes to the gender composition of smuggled groups of persons. From certain regions of origin with a Muslim majority – or “more traditional” societies – the smuggled persons are almost exclusively male (Northern Africa, Pakistan and Bangladesh). Important exceptions are regions with pending danger of war or ongoing wars. In that situation – and this probably applies to regions worldwide – individuals as well as whole families with children are among the smuggled migrants.²⁷⁴ The increasing number of women among smuggled migrants is also stressed by İçduygu.²⁷⁵ According to him, there has been a drastic change of the gender distribution of the migrant smuggled to and

Migrant's agency in the smuggling process the perspective of smuggled migrants in the Netherlands”, opus cit., p.178-179; Van WIJK Joris, “Luanda-Angola: irregular migration from Angola to the Netherlands”, opus cit.;

270 KOSER Khalil, “Why migrant smuggling pays”, opus cit.

271 COUREAU Henri, “Tomorrow Inch Allah, chance! People smuggler networks in Sangatte”, opus cit., p. 375.

272 İCDUYGU Ahmet, Irregular Migration in Turkey, opus cit.

273 KOSER Khalil, “Why migrant smuggling pays”, opus cit., p. 13.

274 NESKE Matthias, “Human smuggling to and through Germany”, opus cit., p. 153

275 İCDUYGU Ahmet, Irregular Migration in Turkey, opus cit., p. 29.

through Turkey. According to the statistics released by the IOM, in 1995 the proportion was 74% males and 26% females. In the 2001 survey, the proportion was 60% and 40% respectively.²⁷⁶

The information available shows that unaccompanied minors are an increasing proportion of the migrants smuggled towards Western Europe. This problem seems to be particularly striking in Spain where authorities have registered the irregular arrival of a significant number of unaccompanied minors from Sub-Saharan countries since 2005. According to official statistics, approximately 1,000 unaccompanied minors entered Spain through the Canary Islands in 2006, and the figures for 2007 and 2008 seem to have stabilized around 750 minors per year. Interestingly, most of these minors stated that they came without paying smuggling fees as they used to work as fishermen and thus were recruited as crew members.²⁷⁷ The situation in Spain has consequences in France and Italy as it seems that unaccompanied minors often travel across the borders. The need to adopt a coordinated strategy to prevent and fight against the smuggling and trafficking of unaccompanied minors at EU level was acknowledged in September 2009 and EU Member States are due to adopt an action plan in early 2010.²⁷⁸

Second, regardless of their social background, migrants usually have a more or less sophisticated ‘strategy’ before embarking in the migration process and some might even have strong preferences for the country of destination.

According to Böcker and Havinga, the migrant’s decision to migrate is most of all related to networks abroad. Colonial history and language also play a role in defining preferences.²⁷⁹ However, the study carried out by Herman highlights that the quality of the social and family networks in the country of destination are decisive as migrants are more likely to receive multiple forms of assistance.²⁸⁰ The migrant’s choice might however not be the decisive factor for choosing the country of destination. Monzini highlights that smugglers are careful to select the nationality of the potential migrants. Because of the high probability of being repatriated as soon as they land, people coming from countries which have signed bilateral repatriation agreements with Italy usually do not enter Italy by these means. Generally migrants who travel with so-called ‘*carrette del mare*’ (boats in poor conditions) are the migrants who have a real possibility of being accepted in Europe as asylum seekers, or the migrants that come from very distant places and their repatriation is too expensive (eg. nationals from Eastern Africa).²⁸¹

Eastern Europe

There is a marked contrast between the quality of the literature available about Western Europe and that concerning Eastern Europe and Central Asia. Central Asia is still predominantly analysed as a ‘migration corridor’ with the main direction of flow still coming from east and southeast to Western Europe, although this traditional vision has been challenged by authors

276 Ibidem.

277 SENOVILLA HERNANDEZ Daniel, “Mineurs isolés étrangers en Espagne”, opus cit., p. 163.

278 Council of the European Union, document ASIM 87, 1311/09, 11 September 2009.

279 BOCKER A. and HAVINGA T., “Asylum Migration to the European Union Patterns of Origin and Destination”, Institute for sociology of law, Nijmegen. 1997.

280 HERMAN Emma, “Migration as a family business: the role of personal networks in the mobility phase of migration”, opus cit., p. 203.

281 MONZONI Paola, “Migration: Human Rights of Irregular Migrants in Italy”, opus cit., p. 15.

like Futo, Jandl and Karsakova who insisted on the complexity of the migration routes and the evolution of Eastern European countries as destination countries.²⁸² As a consequence, little attention is paid to the profile and motivations of smuggled migrants while the sources reviewed predominantly focus on typology of smuggling organizations and 'border management' issues.²⁸³

The 2007 ICMPD Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe offers a limited description of the profile of the persons using the services of smugglers. The ethnic composition of migrants and smugglers was reported to be mixed reflecting both the nationalities of smuggled migrants, as well as the ethnic groups living along the migration routes. As a rule, local smugglers provide logistic support for crossing borders illegally. Very often smugglers and local guides have the same ethnic origin as the migrants, which facilitates communication within the group or with the persons smuggled. Furthermore, common citizenship, the same ethnic origin, and/or relationships formed in previous smuggling experiences are important factors facilitating cohesion within smaller smuggling networks as well.²⁸⁴ Regarding the Balkan region, a more substantive analysis – although rather old - can be found in Mavris. According to her, migrants transiting through the Balkans who use the services of smugglers have a lot in common. They mostly come from Tunisia, Turkey, Iran, Iraq and China, and also some are from Bangladesh, Sri Lanka, Pakistan, India and Romania. Since the war in Kosovo, Kosovan-Albanians are also a population that is often smuggled. Although the countries from which the migrants come from are varied, the motivations for leaving are often similar, including *inter alia* human rights abuses, unstable political situations, conflict and poor economies.²⁸⁵ Except for the Chinese community, sources reviewed do not include any details about the educational and social background of the smuggled migrants and further research would be needed to establish similarities and disparities with the migrant population smuggled to Western Europe.

Interestingly, sources reviewed reveal a marked interest for Chinese migrants smuggled in Central and Eastern Europe – for further information about Chinese migrants see also 5.2.4. Among the reviewed literature, this is the only community of smuggled migrants that has been the subject of specific research in that region. According to information published by Nyiri in 2003, most of the literature is focused on Russia and Hungary – as these two countries served as major reception area for Chinese migration and trade to the rest of Europe.²⁸⁶ Belarus, Ukraine, Romania and the Czech Republic have also been important destination countries for smuggled migrants from China.²⁸⁷ According to Nyiri, migration to Eastern Europe involves mobile

282 FUTO Peter, JANDL Michael and KARSAKOVA Liia, "Illegal migration and human smuggling in Central and Eastern Europe", *Migracijske i etnicke teme* 21 (2005), vol. 1-2, p. 35-54.

283 See for instance KALAITZIDIS Akis, "Human Smuggling and Trafficking in the Balkans is this Fortress Europe?", opus cit.; ANTONOPOULOS Georgios and WINTERDYCK John: "The smuggling of migrants in Greece: an examination of its social organization", opus cit.

284 ICMPD, *Yearbook on Illegal Migration, Human Smuggling and Trafficking in Central and Eastern Europe in 2007*, opus cit., p. 22.

285 MAVRIS Leila, "Asylum seekers and human smuggling: Bosnia and Former Yugoslavia as a transit region", Paper presented at the WIDER/UNU Conference on "Poverty, International Migration and Asylum", 27-28 Sept. 2002, Helsinki Finland.

286 NYIRI Pal, "Chinese migration to Eastern Europe", *International Migration*, vol. 41(3) Special Issue 1/2003.

287 IOM, "The Chinese immigrants in central and eastern Europe: the cases of the Czech Republic, Hungary and Romania" in BENTON G. and PIEKE F. (eds), *The Chinese in Europe?* Mac Millan and St Martin's Press, Basingstoke and New York quoted in NYIRI Pal, "Chinese migration to Eastern Europe", opus cit. .p. 242;

individuals – including a significant percentage of women – with a level of above average education and highly individually motivated.²⁸⁸ It originates largely from the urban-coastal zones of China, most of which have no tradition of chain migration.²⁸⁹ It is interesting to note the contrast between the social background of Chinese migrants smuggled to Eastern Europe and the ones smuggled to Central Asia. According to a 2006 IOM report, the population of smuggled migrants from South and South-East Asia – including a significant number of Chinese – to Central Asia is predominantly composed of males aged between 20-35, from a poor social and educational background, and with little or no previous work experience.²⁹⁰

5.2.2 Africa

Northern and West Africa²⁹¹

Surveys carried out both in Northern and Western Africa provide a nuanced picture of migrants. For example, research about Morocco highlights that the profile of Moroccan migrants has changed. In addition to low-skilled persons from poor backgrounds, there is a growing number of well-educated and highly skilled young people and the percentage of women is on the increase.²⁹² Research available about other Northern African countries also suggests that most migrants are between 20 and 30 years old, belong to a poor middle class and despite their level of education being quite high, they are suffering from a generalized lack of opportunities, welfare and public health services.²⁹³ Research available also indicates the better educated have a higher propensity to migrate.²⁹⁴

Sources reviewed allow drawing similar conclusions about migrants from Western Africa. In a thorough analysis of migrant smuggling and irregular migration in Western Africa, de Haas argues that common push-pull models viewing poverty as the main cause of African mass migration are inconsistent with evidence that migrants are not amongst the poorest. Analyses focusing on ‘African misery’ pushing migrants out of the continent tend to obscure migrants’ actions and the vital demand side of this migration.²⁹⁵ In her empirical survey of 321 sub-

MOORE Marketa and TUBILEWICZ Czeslaw, “Chinese migrants in the Czech Republic: perfect strangers”, opus cit.

288 NYIRI Pal, “Chinese migration to Eastern Europe”, opus cit., p. 250-251.

289 Ibidem.

290 IOM (GEMBICKA Katarina), “Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”, opus cit., p. 19.

291 The paragraph below mainly draws on UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

292 BOUBAKRI Hassen, “Transit Migration between Tunisia, Libya, and Sub-Saharan Africa study based on Greater Tunis”, quoted in UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

293 ARAB Chadia, “Les harragas ou comment les Marocains brûlent les frontières » quoted in UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

294 UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

295 HAAS (de) Hein, “The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU”, opus

Saharans migrants in Morocco, Escoffier highlights that 64% had completed secondary education.²⁹⁶ Regardless of their social background, Boni highlights that migrants tend to lose their social identity – if not their dignity – throughout the migration process and are frequently called *harragas* – someone who has burned his documents, and therefore has lost his identity and property.²⁹⁷

According to Monzini, smuggling of migrants via maritime routes has seen a rapid and impetuous increase during the 90s for two main reasons: it satisfies the demand coming from the most "urgent" migratory pressures, and is the cheapest sector of the market for irregular immigration to Europe.²⁹⁸ A major change in the ethnic composition of migrants using maritime routes to reach Southern European countries occurred after 2000, when Sub-Saharan migrants overtook North Africans as the largest category of people landing in Europe.

While sources reviewed provide detailed information about the social background of migrants, still little information has been collected on the decision-making process. Recent research carried out by the Frontex agency includes some limited information about would-be migrants' risk avoidance strategies but elements highlighted in the report should be further researched.²⁹⁹ Also there is a lack of studies on ethnicity, though it is clear that the social organization of irregular migration, and partially even of smuggling activities, is based on ethnic ties. Furthermore, there is a lack of studies on gender issues, and focus on minors is almost non-existent.³⁰⁰

The literature reviewed also provides limited information about asylum seekers and refugees. According to de Haas, a significant proportion of Sub-Saharan migrants move in order to escape persecution.³⁰¹ Based on empirical research with a limited sample of migrants, Collyer estimates that the percentage of migrants in Morocco that would require humanitarian protection would vary between 10%-20% under the strict application of the 1951 refugee Convention definition and 70%-80% under more generous humanitarian measures. This sample was however not designed to be representative and may therefore be biased towards refugees and asylum seekers.³⁰² In her research about migrant smuggling at the Israeli-Egyptian border, Anteby-Yemini also highlights the presence of large groups of Sudanese, Ivoirians, and Congolese amongst the irregular migrants. The influx seems to be fuelled by Israel's humanitarian policy regarding these refugees.³⁰³ However, limited information is available in the sources reviewed

cit., p. iv.

296 ESCOFFIER Claire, *Transmigrant-e-s africain-e-s a Maghreb une question de vie ou de mort*, L'Harmattan Paris 2008

297 BONI Tanella, "L'Afrique des clandestins", opus cit, p. 688.

298 MONZONI Paola, "Migration: Human Rights of Irregular Migrants in Italy", opus cit., p. 12.

299 FRONTEx, "The impact of the global economic crisis on illegal migration to the EU", opus cit., p. 29.

300 UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

301 HAAS (de) Hein, "The myth of invasion the inconvenient realities of African migration to Europe", *Third World Quarterly*, vol. 29 n° 7, October 2008, p. 1305-1322.

302 COLLYER Michael, "States of insecurity: consequences of Saharan transit migration", opus cit., p. 6

303 ANTEBY-YEMENY Yasmina, "Migrations africaines et nouveaux enjeux de la frontière israélo-égyptienne", opus cit., p. 3.

and further research would be needed in order to get more specific knowledge about the profile and characteristics of that specific group.

East and Southern Africa

According to the IOM, there are currently large-scale, successful smuggling operations from Somalia and Ethiopia to South Africa. The information presented in this paragraph relies mainly on the research carried out by the IOM about the irregular movements of men from East and to the Horn of South Africa.³⁰⁴

According to this report, the vast majority of the smuggled migrants manage to regularize their legal status by applying for asylum. Political victimization and physical insecurity, together with poverty and lack of economic opportunities, seem to be the most important push factors for smuggled migrants from Ethiopia and Somalia. For both communities, the age range is typically 18 to 40 and most are male. Probably less than 2% of the migrants smuggled to South Africa are female.³⁰⁵ According to Médecins Sans Frontières, women fleeing insecurity in Somalia usually “settle” in refugee camps inside Somalia – like the ones of Dadaab and Kakuma – or at the Kenya-Somalia border (Dobley). Family reunification can take years and women are usually flown to South Africa to protect them from the hazardous land journey.³⁰⁶ While the report provides details about the ethnic background of the smuggled migrants, little information is available about the social and educational background of the smuggled migrants from Somalia, but the IOM report indicates that highly educated professionals – such as doctors – fled the country in the early 1990s and settled in South Africa, Australia and New Zealand. The limited economic means of the would-be migrants explains that the vast majority of the migrants smuggled from Somalia and Ethiopia have to travel overland or by sea in extremely precarious situations, while only 5% of the Ethiopians³⁰⁷ and 3% of the Somalis are flying directly to South Africa, usually with forged documents.

In contrast with Ethiopians and Somalis, Kenyan migrants are smuggled to South Africa primarily for economic reasons and do not seek asylum. Although recent political turmoil may be a causal factor, the majority were young, energetic and enterprising men who simply wanted to seek out better opportunities. According to the IOM, most of them do not intend to stay in South Africa and wish to migrate further to the UK, other destinations in Europe, the US, the Gulf States and neighbouring countries.³⁰⁸

304 IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, opus cit., p. 35.

305 IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, opus cit., p. 35.

306 Médecins sans Frontières (MSF), No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden, opus cit.

307 IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, opus cit., p. 42.

308 IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, opus cit., p. 36.

According to the information available from reports by Médecins sans Frontières and UNHCR, the profile of migrants smuggled through the Gulf of Aden between Somalia – mainly the port of Bossaso - and Yemen is quite different from those migrating to South Africa.³⁰⁹

Although limited research was carried out regarding this region, Médecins sans Frontières estimates that thousands of persons risk their lives every year to cross the Gulf of Aden to escape from conflict, violence, drought and poverty. Lacking the safe and legal alternatives to leave their country, refugees and migrants have to use the services of smugglers to cross the Gulf of Aden in extremely precarious conditions.

Based on a sample of persons interviewed by MSF in 2008 after their arrival to Yemen, about two thirds of the smuggled migrants are Somalis and one third are Ethiopians. Interestingly, Thiolllet notes that the number of Eritreans trying to reach Yemen has dramatically decreased since the 1990s, although the political situation of the country has deteriorated at the same time. This can be explained according to this author by the fact that Yemen - a traditional host country- has decided to close its door to Eritreans following the adoption of a pro-Israeli position by the Eritrean government.³¹⁰

Nowadays, the majority of those crossing the Gulf of Aden are men, but approximately 30% were women. The majority of women travelled with their relatives but a significant number – 27% - are travelling on their own. Although most women left because of conflict, a number left their families behind because they had no option but to go to find a job elsewhere to support their children. Families are frequently separated, with one or several family members taking the journey and the others staying behind, sometimes because they cannot afford to all come at the same time.

The majority of the people making the dangerous voyage are in their mid-twenties, but there are a few older migrants and also some young children. In cases where their parents have died, young children are travelling with their relatives.³¹¹ Conditions are so harsh that the mortality rate is at least 5%. The main causes were severe beatings, lack of food and water and suffocation from being in the hold of the boats. Several interviewees also reported cases where the smugglers threw passengers, including young children overboard. Also cases of suicide were reported where passengers jumped ship out of desperation and fear.³¹²

309 Médecins sans Frontières (MSF), *No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden*, June 2008; Mixed Migration Task Force Somalia (co-chaired by UNHCR – IOM), *"Mixed migration through Somalia and across the Gulf of Aden"*, report, April 2008.

310 THIOLLET Hélène, « La mobilité dans la Corne de l'Afrique : entre urgence humanitaire et contrainte sécuritaire », opus cit. p. 78.

311 Mixed Migration Task Force Somalia (co-chaired by UNHCR – IOM), *"Mixed migration through Somalia and across the Gulf of Aden"*, opus cit. p. 6.

312 Médecins sans Frontières (MSF), *No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden*, opus cit. p. 4.

5.2.3 Americas

Information about the profile of smuggled migrants in the literature reviewed is often limited to very general sentences mentioning poverty as a major cause of irregular migration. As a consequence, there is a lack of research about migrants' profiles.

Only a few publications of the reviewed literature such as those by authors like Zhang, Scharf and Thomas-Hope have looked at the breakdown by nationality of the migrants entering the US with the help of smugglers.³¹³ These publications stress the variety of nationalities (with a great number of persons coming from the Middle East, Asia and South America).

The literature focusing on specific groups is mainly composed of research about Chinese migrants, and then on research about 'vulnerable' migrants such as unaccompanied minors. Interestingly, there seems to be comparatively more research carried out about the profile and characteristics of Chinese smuggled migrants than about other nationalities that statistically constitute larger groups of migrants smuggled into the United States – such as migrants from Mexico or Latin America.

Research devoted to migrant smuggling from China to the United States offers some limited information about migrants' profiles and motivations. Given the numerical importance of migrants from the provinces of Fujian, Guangdong and Zhejiang amongst the total number of Chinese migrants coming to the United States, some specific research targeting these regions was conducted. According to authors like Ko-Li Chin or Skeldon, migrant smuggling to the United States seems to occur in the most developed part of these provinces.³¹⁴ Thus, the root causes for irregular migration may not be poverty but rather better knowledge about potential opportunities available in the United States.³¹⁵ Kyle and Liang stress that recently more and more women and under-age individuals are involved, smuggling being the quickest way for family reunification with the men that have been working in the United States already for a few years and have paid their debts.³¹⁶ While migrants leave primarily for economic motives, Skeldon observes that there are significant Christian populations in coastal parts of Fujian, Zhejiang and Guangdong provinces. Although no direct linkage between religion and tendency to emigrate has been established, the adoption of Christianity could stimulate emigration in two ways. First, it contributes to the creation of an identity separate from the majority in provinces that traditionally have been remote from Chinese central government. Second, there may be a fear, real or perceived, of persecution which might encourage people to leave China to go to the United States.³¹⁷

313 ZHANG Sheldon, *Smuggling and Trafficking in Human beings. All roads lead to America*, opus cit., SCHARF Daniel, "For Humane Borders: Two Decades of Death and Illegal Activity in the Sonoran Desert", 38 *Case W. Res. J. Int'l L.* 141, 2006.; THOMAS-HOPE Elizabeth, "Irregular migration and asylum-seekers in the Caribbean", opus cit.

314 CHIN Ko-Lin, *"Smuggled Chinese: clandestine immigration to the United States"*, Temple university Press, Philadelphia, 1999 quoted in SKELDON Ronald, "Myths and Realities of Chinese Irregular Migration", opus cit., p. 17.

315 SKELDON Ronald, "Myths and Realities of Chinese Irregular Migration", opus cit., p. 17.

316 KYLE David and LIANG Zai, "Migration Merchants: Human smuggling from Ecuador and China", opus cit., p. 19.

317 SKELDON Ronald, "Myths and Realities of Chinese Irregular Migration", opus cit., p. 17.

The reviewed literature only provided limited material describing the profile of unaccompanied minors and women smuggled to the United States, although most of the literature reviewed tends to focus primarily on the issue of trafficking in persons.³¹⁸ There is a consensus in the reports published by non-governmental and governmental organizations regarding the very high probability for women to be raped or sexually assaulted on their journey across the Southwest border into America.³¹⁹

Regarding minors, it is worth mentioning the empirical research lead by Uehling, based on the author's experience with 280 children smuggled to the United States, under the Unaccompanied Alien Children's Program. According to her, minors leave their countries of origin for a variety of reasons, such as human rights abuses, armed conflicts, gang or forced military recruitment, female genital mutilation, forced marriages, prostitution and life as street children.³²⁰

It seems that, in most cases, unaccompanied minors smuggled to the United States were left behind by relatives who themselves had embarked on the migration process earlier on. Uehling's research brings to light the complex social formation that results from the fact that many families are divided across borders. The minor's departure is usually precipitated by the breakdown of the care arrangements in a process that often involves abuse, abandonment or neglect.³²¹ While authors like Malkki portray these migrants as pure victims and passive subjects, Uehling stresses that unaccompanied minors are very determined and have great psychological strength.³²²

Sources reviewed highlight the great vulnerability of children – and women – to exploitation during the smuggling process and after arrival in the United States. According to Zhang, women and children are particularly vulnerable to exploitation during the smuggling process because the smugglers take advantage of their weaknesses and vulnerability. Second, because being illegal means they have no access to the legal job market, smuggled women and children are forced to enter the illegal labour force.³²³ According to Uehling, the level of violence and exploitation against minors is considered to be higher within the Chinese and the Indian smuggling rings in comparison with the Mexican community, and unaccompanied minors arriving in the United States benefit from special protection measures.³²⁴ Spener however stresses the fact that Mexican smugglers – so called '*coyotes*' – are increasingly using violent

318 In particular see Chapter 7 in ZHANG Sheldon, *Smuggling and Trafficking in Human beings. All roads lead to America*, opus cit., p. 105-125.

319 US House Committee on Homeland Security, Subcommittee on Investigations, "A line in the sand: confronting the threat at the Southwest border", opus cit., p. 17; see Report of the Special Rapporteur on the human rights of migrants, 25 February 2008, A/HRC/712.

320 UEHLING Greta Lynn, "The international smuggling of children: coyotes, snakeheads, and the politics of compassion", opus cit., 840.

321 Ibidem.

322 MALKKI Lisa, "Speechless Emissaries Refugees Humanitarianism and Dehistoricization", *Cultural Anthropology*, vol. 11 n°3, quoted in Greta Lynn, "The international smuggling of children: coyotes, snakeheads, and the politics of compassion", opus cit. p. 842.

323 ZHANG Sheldon, *Smuggling and Trafficking in Human beings. All roads lead to America*, opus cit., p. 105.

324 Greta Lynn, "The international smuggling of children: coyotes, snakeheads, and the politics of compassion", opus cit., p. 861.

means against migrants and that the federal system has not fully caught up with changing smuggling dynamics for many of today's children and adolescents.³²⁵

Sources reviewed do not include any specific information about migrants smuggled from, or through Latin America. The literature available focuses on the smugglers' *modus operandi* and the organization of the smuggling rings. Whilst according to the 2004 IOM report on migration from Latin America to Europe, the majority of migrants are women with a fairly solid educational background, the report does not include any specifics about smuggled migrants.³²⁶ No conclusions can be drawn at this stage and further research would be necessary to fill the existing gap.

5.2.4 Asia

The literature available about East Asia and the Pacific is very limited, often outdated and covers mainly Australia.³²⁷ Even regarding this country, the lack of regional material available is reflected in the limited amount of information and the lack of comparative analysis. For the sake of clarity, the information related to Chinese migrants smuggled to the United States is included under paragraph 5.2.3. Refer also to 5.2.1 for information about Chinese migrants smuggled to Europe.

According to a 2008 report of the Pacific Immigration Directors, migrants smuggled to the Pacific region are primarily coming from China, Bangladesh, India, Myanmar and Sri Lanka being also important source countries. According to the statistics produced therein, 67% of those smuggled are adult males and 13% were under 18. Despite the high percentage of adult males, Pacific countries commonly cited the sex industry as the reason for smuggling. This indicates some confusion between migrant smuggling and human trafficking, as well as some misconception about the prime outcomes of smuggling. Work in agriculture, construction, and hospitality was also referenced.³²⁸

Among the literature reviewed, only one study provided more detailed information about the profile of smuggled migrants from South and West Asia.

In India, the profile of smuggled migrants varies according to the sending regions. According to Saha, in the State of Tamil Nadu, smuggled migrants seem to be primarily low skilled labourers coming from rural areas with high unemployment, failed agriculture and rural debt. Interestingly, he remarks that those migrants, who went as unskilled labourers, could acquire

325 SPENER David, "Mexican Migrant-Smuggling: A Cross-Border Cottage Industry", opus cit.

326 PELLEGRINO Adela, Migration from Latin America to Europe: Trends and policy challenges, opus cit., 31.

327 For instance see MALLEY William, "Security, people smuggling and Australia's new Afghan refugees", Australian Journal of International Affairs, vol. 55 n°3, pp. 351-370, 2001; SCHLOENHARDT Andreas, "Organized Crime and the Business of Migrant Trafficking. An Economic Analysis", AIC, Occasional Seminar Paper, Canberra, 10 November 1999. <http://www.aic.gov.au/conferences/occasional/schloenhardt.pdf>;

328 Pacific Immigration Director's conference, People smuggling, human trafficking and illegal migration in the Pacific. A regional perspective, opus cit., p. 21

skills in the destination countries as plumbers, carpenters or in other trades.³²⁹ Smuggled migrants from the State of Punjab are young people from rich agricultural families in rural areas.³³⁰ Saha stresses that both in the case of Tamil Nadu and of Punjab, migrant smuggling is considered to be a “family business” since the families are involved in financing the migration process and contacting the smugglers.³³¹ Sending someone abroad has gradually become a sign of success. The social structure in the village, which had been traditionally based on caste, landholding, family background and educational achievements, has now changed into one which distinguishes between families having members in other countries and families which do not.³³²

5.3 Conclusions

The literature reviewed shows a great disparity in volume and quality of information available about the profile and characteristics of migrants. The primary interest of researchers seems to lie in the organizational aspects of migrant smuggling, and despite the abundance of the literature – in particular towards the United States and Europe – little has been published about the characteristics of the migrants. When available, the information used by researchers and experts is often based on broader information about the social profile of irregular migrants, a category which may have used the services of smugglers at some points during their travels. Further research would be needed in order to get a better grasp of the profile of the persons primarily using the service of smugglers.

It should also be noted that the literature currently available presents methodological flaws given that most studies available would focus on the profile of migrants from the perspective of the countries of destination. Future research should take an ethnographic perspective and look at migrant smuggling from the perspective of the source countries or regions.

Based on the literature accessible, the author observes a lack of information regarding Eastern Europe, Latin America, Central Asia and in particular South and West Asia as well as East Asia and the Pacific.

Further research would be needed in order to gain more knowledge about the trends in the social and educational background of migrants. Further research would be also needed about the impact of the migrant smuggling phenomenon on the characteristics and structures of the societies and families in the countries of origin.

Women and vulnerable migrants seem to be an ever-growing proportion of the total number of migrants smuggled worldwide. Paradoxically, there is a great lack of specific research devoted to these groups. Research should have a specific focus on gender and on vulnerable populations, including unaccompanied minors and refugees.

329 UNODC, *Smuggling of migrants from India to Europe and in particular to the UK - a study on Tamil Nadu*, opus cit., p. 27.

330 SAHA K.C., “Smuggling of Indian citizens: preliminary findings”, *Journal of Immigrants and Refugee Studies*, volume 5 n°1, 2007, pp. 55- 69

331 SAHA K.C., “Smuggling of Indian citizens: preliminary findings”, opus cit., p. 63.

332 UNODC, *Smuggling of migrants from India to Europe and in particular to the UK - a study on Tamil Nadu*, opus cit., p. 28.

Very little information on empirical research is available on the special protection needs and characteristics of refugees. Future research should focus more specifically on this problem.

6 The profile of the migrant smugglers

The main objective of this chapter is to look at the social background of migrant smugglers and their motivations. In the first general paragraph (6.1), the study will highlight the similarities and differences in the profile of smugglers in different parts of the world. Because of the lack of information and diversity of situations, the present review refrained from drawing general conclusions about the social and educational background of the persons involved in migrant smuggling activities. In the second paragraph (6.2), regional profiles of migrant smugglers will be established according to information available in the literature such as analysis of law enforcement activities (investigations and trials) or information directly collected from smugglers (interviews). According to the given information about the smugglers' profile and their *modus operandi* being intrinsically linked, complementary information is provided under Chapter 9.

6.1 Methodology applied for researching smugglers' profile

Authors tend to have strong – and often contradictory – views about the profile of smugglers. Although the author of the review acknowledges the great diversity of scholars' opinions, for the sake of clarity and to summarize the current debate,, the presentation below will be schematically divided between the criminological perspective and the sociological perspective. It should be noted that information about the profile of smugglers is scattered due to a lack of comprehensive research, therefore part of the literature reviewed relies on stereotypes rather than on a substantial analysis.³³³

As already mentioned under paragraph 2.2.2, authors taking a criminological perspective tend to picture smugglers as violent criminals. These authors usually base their opinion on a detailed analysis of police files and criminal court proceedings, but also on direct observation. As illustrated in greater detail under 6.2, the criminal profile of smugglers comes out very clearly in empirical research carried out in France, and Turkey but also at the US-Mexico border.³³⁴ It should be noted that some researchers argue that smugglers might be linked to terrorist organizations. This opinion, however, seems to be fairly marginal.

Van Liempt and Doornik argue that the criminological research method has a natural bias towards "big" cases and those that have come to the attention of the authorities in general.³³⁵

333 See in particular WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit.; ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit.

334 COUREAU Henri, "Tomorrow Inch Allah, chance!" People smuggler networks in Sangatte", opus cit., p. 380; Quoted p. 7 in NARLI Nilufer, "Human trafficking and smuggling: the process, the actors and the victim profile", in Trafficking in persons in South East Europe. A threat to human security, Austrian Federal Ministry of Defence (BMLV), Vienna, Austria, Sept. 2006; House Committee on Homeland Security, "A line in the sand: confronting the threat at the Southwest Border", opus cit., 16.

335 VAN LIEMPT Ilse and DOORNIEK Jeroen, "Migrant's agency in the smuggling process the perspective of

This opinion is shared by Neske, and Pastore *et al.*³³⁶ According to Van Liempt and Doornik the selection of criminal investigations is based on a definition of organized crime, in which groups that are interested in making a profit, commit crimes with serious effects on society and who are capable of hiding crimes effectively.³³⁷ These authors deplore that, as a consequence of this bias, smugglers appear only as merciless criminals who are only in the business to make substantial profits.³³⁸

By contrast, the sociological research is more concerned with the relationship between the migrants and the smugglers as their mutual interest makes the process more complex than the traditional image of the merciless criminal and his passive victim.³³⁹ Empirical research carried out from a sociological perspective in countries like Italy, the United Kingdom, the United States and China have portrayed smugglers as ‘ordinary citizens’ predominantly coming from the working-class but with very diverse backgrounds (restaurant owners, car salesmen etc.).³⁴⁰

Beyond these very general features, the lack of qualitative data about smugglers’ profiles is to be noticed in a majority of the sources reviewed. According to Neske, this lack of information can first of all be explained by the inadequacy of the sources of information available. Indeed, crime statistics only allow drawing conclusions about the development of a criminal phenomenon.³⁴¹ Second, Neske believes that interviews with migrants are of limited help as migrants usually know very little about their smugglers; these interviews are mainly useful to gain insight into subjective dimensions of the phenomenon. According to him, smugglers are not interested in exposing themselves to publicity.³⁴² Bilger *et al.* further argue that a peculiar characteristic of the market for migrant smuggling services is to put a high premium on a ‘good reputation’ of smugglers. However, smugglers can never completely give away information on their identities; otherwise the police would easily disrupt their activities.³⁴³ As shown by Webb and Burrows, the central issue of trust explains that smugglers and migrants often belong to the same social network, if not to the same community.³⁴⁴

smuggled migrants in the Netherlands”, *opus cit.*, p. 173.

336 NESKE Matthias, “Human smuggling to and through Germany”, *opus cit.*, p. 157; PASTORE Ferruccio *et al.*, “Schengen’s soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy”, *opus cit.*, p. 98.

337 KLEEMANS *et al.*, “Monitor Georganiseerde Criminaliteit”, WODC, 1998 quoted p. 173 in VAN LIEMPT Ilse and DOORNIEK Jeroen, “Migrant’s agency in the smuggling process the perspective of smuggled migrants in the Netherlands”, *opus cit.* p. 173.

338 VAN LIEMPT Ilse and DOORNIEK Jeroen, “Migrant’s agency in the smuggling process the perspective of smuggled migrants in the Netherlands”, *opus cit.* p. 173.

339 *Ibidem*.

340 ZHANG Sheldon and CHIN Ko-Lin, “Enter the dragon: inside Chinese human smuggling organizations”, *opus cit.*

341 NESKE Matthias, “Human smuggling to and through Germany”, *opus cit.*, p. 130.

342 NESKE Matthias, “Human smuggling to and through Germany”, *opus cit.*, p. 131.

343 BILGER Veronika *et al.*, “Human smuggling as a transnational service evidence from Austria”, *opus cit.* p. 86.

344 WEBB Sarah and BURROWS John, “Organized immigration crime: a post-conviction study”, *opus cit.*, p. 8.

6.2 Profile of smugglers: a regional perspective

6.2.1 Europe

Western Europe

Generally speaking, the literature about migrant smuggling in Western Europe is very abundant. The literature reviewed shows a clear lack of information about the profile of migrant smugglers, most of the research being oriented towards the organization of the smuggling process itself.

It is worth mentioning, however, the existing research, though scarce, that has focused on smugglers specifically, such as the interview programmes conducted in 2006 by Webb and Burrows with 45 persons convicted of people smuggling and/or human trafficking offences in the United Kingdom. Although the prisoner sample was not representative of the whole organized immigration crime market, the study provides a valuable insight of the smugglers and traffickers self-perception of their activities and their relationship with the migrants. According to the findings, the interviewees are predominantly male (85%) and the average age was 35 years. There is a great diversity of nationalities involved in the smuggling process with a significant number coming from the Balkans region (Albania) and the UK. Others were coming from China and South East Asia, the Former Soviet Union, the Indian subcontinent and Africa. 72% of the smugglers interviewed had previously been immigrants in the UK, some of them residing under refugee status or a humanitarian permit. The study portrays smugglers as ordinary citizens – usually established in their countries of origin - who run the operation from a respectable front, such as a shop or a travel agency that could provide information and contacts to those enquiring about coming to the UK.³⁴⁵

The picture of smugglers as relatively ordinary men is supported by Pastore *et al.* In a thorough study about migrant smuggling to Italy, they show that migrant smugglers were often previously involved in other kind of smuggling activities; most of them were Italians with a good knowledge of the border area, or foreign residents in a Western European country who have been working in the migrant smuggling business.³⁴⁶ Interviews carried out by Içduygu and Toktas with Turkish smugglers show how smuggling – either of goods or of migrants – may be perceived as an ordinary business and a “regular” part of the economy. For the interviewees, being a doctor or an engineer was no different from being a smuggler.³⁴⁷

The study made by Coureau, within the reception centre of Sangatte, provides a different picture. According to Coureau, agents and smugglers are part of criminal, “mafia-like” organizations with roots in the United Kingdom and branches in Afghanistan, Iran, Iraq, Albania and elsewhere. The author notes the presence of alcoholics and drug users amongst the

345 WEBB Sarah and BURROWS John, “Organized immigration crime: a post-conviction study”, opus cit., p. 14.

346 PASTORE et al., “Schengen’s soft underbelly? Irregular migration and human smuggling,” opus cit., p. 101.

347 ICDUYGU Ahmet and TOKTAS Sule, “How do smuggling and trafficking operate via irregular border crossings in the Middle east? Evidence from fieldwork in Turkey”, opus cit., p. 36.

smugglers. While they might not be believers, smugglers are aware of Islamic customs and play on tradition in order to keep control over the refugees and secure their profits.³⁴⁸ The literature produced about migrant smuggling in Turkey tends to also provide a negative picture of smugglers as violent criminals. On the basis of the information gathered throughout a 18 months field research programme in various districts in Istanbul, Narli concludes that “smugglers networks coexist with criminal organizations, exerting a crime multiplier for them, for militias, guerrillas and terrorists”.³⁴⁹ Kalaitzidis further holds the view that rather than transnational criminal organizations, “smuggling networks are semi-legal businesses that thrive on internal corruption and the unwillingness of the state to prosecute human smugglers”.³⁵⁰

Eastern Europe and Central Asia

Whilst no detailed research was carried out regarding the profile of migrant smugglers’ in Eastern Europe, some useful information can be found in Futo *et al.*³⁵¹ According to these authors, investigations have shown that the leading organizers of smuggling operations (on national or regional levels) are often foreign citizens who live in the country permanently or with long-term visas for business, study, or family reunion purposes. On the other hand, the medium or lower levels of smuggling operations are often made up of nationals of the country of residence or similar ethnic groups to the smuggled migrants. Therefore, large migrant smuggling networks are usually made up of various nationalities of smugglers. In contrast, Futo *et al.* observe that “strict conspiring activities between the organizers and the smuggled persons based on ethnic ties are invariably characteristic of Chinese and Asian illegal migration and, to a certain extent, also of Albanian and Serbian smuggling rings”.³⁵² Research available about Central Asia shows that a significant number of those persons who are migrant smugglers also work as business men or travel agents.³⁵³

6.2.2 Africa

Northern and West Africa³⁵⁴

Available information on the profile of migrant smugglers is scattered and the picture that can be derived from it is incomplete. A study published by Monzini provides some information about the migrant smugglers’ profile in Libya: according to witnesses, some were ex-agents of the secret services or of the police, others were small businessmen (trading in fruit, house-hold appliances, or jewellery), others were ‘involved in other criminal activity in the past: drug dealers and

348 COUREAU Henri, “‘Tomorrow Inch Allah, chance!’ People smuggler networks in Sangatte”, opus cit., p. 380.

349 NARLI Nilufer, “Human trafficking and smuggling: the process, the actors and the victim profile”, opus cit. p. 7.

350 KALAITZIDIS Akis, “Human smuggling and trafficking in the Balkans: is it fortress Europe?”, opus cit., p. 6

351 FUTTO Peter, JANDL Michael and KARSAKOVA Liia, “Illegal migration and human smuggling in Central and Eastern Europe”, opus cit., p. 46.

352 Ibidem.

353 IOM (GEMBICKA Katarina), “Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”, opus cit.

354 Please note that this paragraph is based information extracted from UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

traffickers or members of terrorist groups hostile to the regime'. In general they have available spaces (garages, stables, apartments, farmhouses and sheds) in which migrants can be hidden while they wait to depart.³⁵⁵

Daniel also describes migrant smugglers as people well-placed in social life.³⁵⁶

Throughout their empirical research about migrant smugglers operating between Morocco and Spain, Charef and Cebrián observe that persons directly involved in the transportation of migrants are rather young – between 29 and 41 years old – and the majority are not married. They seem to be greatly mobile and often also involved in other smuggling activities (including cigarettes illegally imported from the Canary Islands).³⁵⁷

In her research about migrant smuggling at the border between Israel and Egypt, Anteby-Yemini shows that, despite the market being dominated by the Bedouin smugglers who are perpetuating an old informal and illegal trade route in this area, there are indications of the presence of transnational networks – in particular the Chinese who are actively involved in smuggling and trafficking Chinese women to Israel.³⁵⁸

East and Southern Africa

Due to the significant lack of research about migrant smuggling in this region, the information available in this paragraph relies exclusively on the research carried out by the IOM about the irregular movements of men from East Africa and to the Horn of South Africa.³⁵⁹ According to this report, the movement of Ethiopians and Somalis to southern Africa is facilitated by a network of migrant smugglers who are loosely connected and whose loyalties are predominantly defined by their financial interdependency as well as their origins. The age range of smugglers is between 18 and 40 years of age, and they are predominantly male.³⁶⁰ The chief organizers are Somali and Ethiopian. In some border towns, such as Moyale and Mandera, the main smugglers can be Kenyan citizens of Ethiopian or Somali origin.³⁶¹

6.2.3 Americas

Sources reviewed provide information about North America, although no information was available about Latin America and the Caribbean countries.

355 MONZINI Paola, « Il traffico di migranti per mare verso l'Italia. Sviluppi recenti (2004-2008) », Working paper CESPI n°43, 2008.

356 DANIEL Serge, « Les routes clandestines », opus cit., p. 241.

357 CHAREF Mohammed and CEBRIAN Juan, « Des pateras aux cayucos: dangers d'un parcours, stratégies en réseau et nécessité de passeurs », opus cit. p. 101.

358 ANTEBY-YEMINI Yamina, « Migrations africaines et nouveaux enjeux de la frontière israélo-égyptienne », opus cit. p. 5.

359 IOM (HORWOOD Christopher), « In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa », opus cit.

360 IOM (HORWOOD Christopher), « In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa », opus cit., p. 57.

361 Ibidem.

The literature about migrant smugglers operating in the United States is dominated by the research about Chinese smugglers. Empirical research and large-scale interview programs with these smugglers offer a very valuable insight of the profile of smugglers'. By comparison, little is known about migrant smugglers operating alongside the US-Mexican border; although it seems that contrary to Chinese smugglers, traditional Mexican smugglers are gradually replaced by people affiliated with criminal gangs.

Information about the general profile of migrant smugglers remains scarce. According to Zhang and Chin, migrant smugglers or 'snakeheads' have remained the most elusive element in the research on Chinese migrant smuggling.³⁶² They characterize Chinese migrant smugglers as ordinary citizens whose familial networks and social contact have enabled them to pool resources to transport migrants around the world.³⁶³ Out of the 219 persons interviewed throughout the research program, only 6 actually claimed to have links with organized crime groups.

Empirical research highlights participation in the smuggling enterprise required no special skills or training and it was open to just about anyone with the right connections.³⁶⁴ According to the sample interviewed by Zhang and Chin, the majority of the subjects were male (82%) with a high school education or less (87%). They were generally in their 30s and 40s and married (75%). The vast majority of them (70%) described themselves as either unemployed or self-employed. None of the unemployed were impoverished, and all subjects earned a regular income.³⁶⁵

There is a wide range of backgrounds for those participating in migrant smuggling. The persons interviewed included small business owners, housewives, handymen, masons, taxi drivers, massage parlour owners, fast food restaurant owners, fruit stand owners and gang members. It is also worth mentioning that corrupt Chinese government officials may have also been involved in smuggling activities. They usually occupy low-level but crucial government functions as passport inspectors at border checkpoints, clerical staff for passport applications, and officials who issue documents for residential or marital verifications.³⁶⁶

In a different study, Zhang, Chin and Miller looked closely at the involvement of women in smuggling activities. Specific studies were devoted to the most famous of them – Sister Ping – who allegedly helped thousands of persons to migrate from the Fujian province to the United States and was involved in the arrangement of the 'Golden Venture' smuggling ship.³⁶⁷

362 ZHANG Sheldon and CHIN Ko-Li, "The Characteristics of Chinese Human Smugglers: A cross national Study", National Institute for Justice, October 2002, NCJ 200607 available at <http://www.ncjrs.org>

363 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, "Women's participation in Chinese transnational human smuggling: a gendered market perspective", opus cit., p. 713.

364 ZHANG Sheldon and CHIN Ko-Li, "The Characteristics of Chinese Human Smugglers: A cross national Study", opus cit., p.

365 ZHANG Sheldon and CHIN Ko-Li, "The Characteristics of Chinese Human Smugglers: A cross national Study", opus cit. p. 5

366 ZHANG Sheldon and CHIN Ko-Li, "The Characteristics of Chinese Human Smugglers: A cross national Study", opus cit., p. 10.

367 In particular see SEIN Andrew J., "The prosecution of Chinese organized crime groups: the Sister Ping case and its lessons", Trends in Organized Crime, May 2008, online review, Springer Publishers; KYLE David and LIANG Zai, "Migration merchants: human smuggling from Ecuador and China", opus cit. p. 16.

According to them, “the ordinariness” of migrant smugglers and their familial networks suggests greater participation by women. Yet, “the existence of clear divisions of labor provides avenues for sex-typing and segregation”.³⁶⁸ Research by Mullins and Wright shows that women usually enter the smuggling business through their partners and they might not stay in that activity once the relationship had ended.³⁶⁹ According to Spitzer et al., the presence of women amongst Chinese smugglers can be explained by two main reasons. First, the increase in the desire of women to migrate may create a niche of clientele who either prefer working with female smugglers or whose women centred social networks are likely to guide them toward female smugglers. Second, because migrant smuggling involves a willing clientele who seek opportunities abroad, smugglers are often perceived as providing assistance to individuals and communities. Thus, women can likely engage in migrant smuggling operations without having a conflict within their gendered “cultural role fulfilment [i.e. the one of care givers]”.³⁷⁰ Interestingly, women smugglers seem to be relatively emancipated with a better level of education than males engaged in similar activities, and a significant proportion are single or divorced.³⁷¹

Borrowing from his research about the Chinese community, Zhang believes that migrant smugglers operating alongside the Mexican borders are ordinary people of diverse backgrounds that may occasionally carry out smuggling activities.³⁷² This analysis is also endorsed by Spener. However, Guerette and Clarke have stressed that the profile of smugglers operating alongside the southwest border of the United States has changed with the greater involvement of drug cartels in migrant smuggling activities.³⁷³ Spener argues with the development of stricter border controls, the individuals and small-scale ‘mom and pop’ enterprises have been driven out of the business because they lack sophistication and resources. The small-scale enterprises have been replaced by more sophisticated mafia-like organizations.³⁷⁴ This analysis is confirmed by US authority reports, which include evidence that migrant smuggling corridors are entirely controlled by drug cartels. It should be noted, however, that the Mexican drug cartel Los Zetas - also involved in migrant smuggling – reportedly (see details in 9.2.3) includes ex-Mexican military officers trained by the US Special forces in counter-narcotics.³⁷⁵ US Immigration and

368 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, “Women’s participation in Chinese transnational human smuggling: a gendered market perspective”, opus cit., p. 703.

369 MULLINS Christopher and WRIGHT Richard, “Gender, social networks, and residential burglary”, *Criminology*, volume 41, pp. 813-840 quoted in ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, “Women’s participation in Chinese transnational human smuggling: a gendered market perspective”, opus cit., p. 703.

370 SPITZER Denise, NEUFELD Anne, HARRISON Margaret, HUGHES Karen, and STEWART Miriam, “Caregiving in transnational context”, *Gender & Society* vol. 17, 2003, pp.267–86, quoted in ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, “Women’s participation in Chinese transnational human smuggling: a gendered market perspective”, opus cit., p. 704.

371 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, “Women’s participation in Chinese transnational human smuggling: a gendered market perspective”, opus cit., p. 709.

372 ZHANG Sheldon, *Smuggling and trafficking in human being. All roads lead to America*, opus cit., p. 89.

373 GUERETTE Rob and CLARKE Ronald, “Border enforcement, organized crime and deaths of smuggled migrants on the US-Mexico border”, opus cit.

374 SPENER David, “Mexican Migrant-Smuggling: a cross border cottage industry”, opus cit., p. 299

375 CRS Report for Congress, “Border security: apprehensions of “Other than Mexican” Aliens”, opus cit. p. 21.

Customs Enforcement has found that approximately half of the apprehended gang members have violent criminal histories, with arrests and convictions for assault, murder and rape.³⁷⁶

6.2.4 Asia

By contrast, with the abundant literature about Chinese smugglers trading people to the United States – covered under paragraph 6.2.3, there is a critical lack of information about smugglers operating in East Asia and the Pacific. Basically, the only – rather general - information available about smugglers assisting migrants to Australia and neighbouring countries can be found in the 2008 report of the Pacific Immigration Directors which notes that the most common profile was a foreign national with temporary residence. The reported nationalities of the smugglers varied from European and South East Asian, to most commonly Chinese.³⁷⁷

As already indicated under 6.2.3, recent research about Chinese migrant smugglers also indicates the presence of women and further research would be needed on the sociological environment of these Asian female smugglers.

Very limited information is available about the profile of smugglers operating in the province of Tamil Nadu in India, whilst no information is available about other countries in West and South Asia. According to UNODC, 84% of the smugglers are actually based in Tamil Nadu, and 71% of the agents based in Tamil Nadu operated from the city of Chennai – which appears to be a smuggling hub. The migrant smugglers live in good residential areas of the city and 50% of them are between the ages of 31 and 50 – it is likely that most of the agents have been in the business for many years.³⁷⁸

6.3 Conclusions

There is a striking lack of information regarding the profile of smugglers. Scholars' views can be divided into a criminological and a sociological perspective. The information about the smugglers is mainly based on police and court records and to a lesser extent on interviews with migrants. Some recent research includes a psychological perspective, including interviews with the smugglers about their motivations and background. Research based on interviews with smugglers should be further developed as it provides a subjective insight of the migrant smuggling phenomenon.³⁷⁹

376 House Committee on Homeland Security, "A line in the sand: confronting the threat at the Southwest Border", opus cit., 16.

377 Pacific immigration directors' conference (PIDC), "People smuggling, human trafficking and illegal immigration in the Pacific: a regional perspective", opus cit. p. 22.

378 UNODC, Smuggling of migrants from India to Europe and in particular to the UK - a study on Tamil Nadu, opus cit., p. 31-32.

379 See in particular WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit.; ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit.

7 Smuggler-migrant relationships

7.1 General overview

Given the great diversity of the relationship between the migrants and their smugglers, the objective of the following paragraph is to provide a schematic understanding of that relationship according to the reviewed literature. Given the lack of information accessible, this chapter does not include a regional analysis. According to the sources reviewed, analysis of the smuggler-migrant relationships has focused on three elements:

Firstly, academics and experts have discussed whether elements of coercion and constraints were intrinsic characteristics of the relationships that exist between the smugglers and the migrants. Most of the sources reviewed would however highlight the great diversity - and even contradictory nature - of such relationships. Aronowitz states that although smugglers may use excessive violence against their victims to maintain control, this is not systematically the case. She mentions for instance, the case of a Chinese smuggler, 'the Mother of All Snakeheads', who was the best-known and most revered figure in New York's Chinatown to the thousands of Chinese she helped smuggle into the US. She was considered a saint for 'reuniting families'.³⁸⁰ Charrière and Frésia develop a similar view throughout their analysis of the 'coaxers' – i.e. smugglers from West Africa – who are traditional figures in the society and are highly respected. However, the fact that migrant smuggling is somehow embedded in traditions does not necessarily protect migrants against exploitation and violence, in particular at certain dangerous stages of the journey where migrants become very vulnerable.³⁸¹

The dual nature of the relationship between smugglers and migrants is summarised by Doomernik and Kyle as follows: at one end, there is altruistic assistance from family members or those who help refugees; at the other end, there is clear exploitation based on the criminal intent of syndicates who deceive migrants into exploitation at the destination. Although news stories tend to focus on one of these extremes – mostly the latter – the empirical reality includes a mix of people with both altruistic and profit-making goals.³⁸²

In a comprehensive study about migrant smuggling in the United States, Zhang stressed that migrant smuggling has a rather benign reputation in the migrant community and migrants often consider their handlers to be either philanthropists who want to help others or ordinary people who just want to make some money.³⁸³

380 ARONOWITZ A., "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit., p. 177.

381 CHARRIERE Florence and FRESIA Marion, "L'Afrique de l'Ouest comme espace migratoire et espace de protection", opus cit., p. 28.

382 DOOMERNIK Jeroen and KYLE David, "Organized Migrant Smuggling and State Control: Conceptual and Policies changes", opus cit., p. 269.

383 ZHANG Sheldon, "Smuggling and trafficking in human beings. All roads lead to America", opus cit., p. 89.

In a 2009 paper, Kyle and Scarcelli also question stereotypes about smugglers and believe that the public's negative perception of migrant smugglers has been crystallized by deadly smuggling failures and abuses.³⁸⁴ In contrast with this one-sided view, the two authors suggest that violence and exploitation are not necessarily an intrinsic component of all migrant smuggling operations. The authors thus argue that the smuggling contract exposes migrants to risk, including violence, but at the same time, prevents violent coercion from being a central feature of a clandestine migration industry.³⁸⁵ In a thorough study about Chinese women smugglers, Zhang, Chin and Miller come to the conclusion that there is a limited place for violence and turf as organizing features of migrant smuggling. According to them, interpersonal networks have a predominant importance in defining and facilitating smuggling operations.³⁸⁶ However, these researchers have also found that physical violence and intimidations may occur at specific stages of the smuggling process, in particular when guarding safe houses at transit points and when maintaining order aboard smuggling vessels.³⁸⁷

In contrast, authors like Daniel and reports from specialised agencies like the IOM, or Médecins sans Frontières have stressed the psychological and physical violence used by smugglers – in particular against women – in West and East Africa regardless of their structure and organization.³⁸⁸ Anteby-Yemini holds a similar view stressing that African migrants smuggled to Israel have reported harassment by Bedouin smugglers who seize all their documents and personal belongings. Rape and sexual harassment against women seems to occur frequently.³⁸⁹ Reports from law enforcement authorities operating at the southwest border of the United States have provided particularly shocking details about violence perpetrated by smugglers against migrants – but also against police officers – including acts of torture and decapitation.³⁹⁰ Increased violence against migrants is linked to the involvement of gangs in smuggling activities that show a complete disregard for the lives under their control. Women are particularly vulnerable since they are almost systematically raped or assaulted.³⁹¹ Details about the human cost of migrant smuggling in that region can be found under Chapter 10.

Elements of constraint can also explain that the line between smugglers and migrants is sometimes blurred, as it seems that migrants may change role in the course of the migration

384 KYLE David and SCARCELLI Marc, "Migrant smuggling and the violence question: evolving illicit migration markets for Cuban and Haitian refugees", opus cit., p. 10.

385 KYLE David and SCARCELLI Marc, "Migrant smuggling and the violence question: evolving illicit migration markets for Cuban and Haitian refugees", opus cit., p. 3.

386 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, "Women's participation in Chinese transnational human smuggling: a gendered market perspective", opus cit., p. 724

387 Ibidem.

388 DANIEL Serge, *Les routes clandestines. L'Afrique des immigrés et des passeurs*, opus cit., p. 157 ; Médecins sans Frontières (MSF), *No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden*, opus cit., p. 15-16 ; IOM (HORWOOD Christopher), "In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa", opus cit., p. 61.

389 ANTEBY-YEMINI Yasmina, "Migrations africaines et nouveaux enjeux de la frontière israélo-égyptienne", opus cit. p. 6-7.

390 US House Committee on Homeland Security, Subcommittee on Investigations, "A line in the sand: confronting the threat at the Southwest border", opus cit., p. 13.

391 House Committee on Homeland Security, "A line in the sand: confronting the threat at the Southwest Border", opus cit., 16-17.

process itself or after their arrival in the destination country. Daniel has recorded testimonies of migrants that became smugglers themselves in order to get the protection of networks while moving towards their final destination.³⁹² According to Zhang *et al.*, another incentive for Chinese migrants smuggled to the United States to become smugglers themselves may be linked to their own traumatic experience during the smuggling process and their willingness to offer a better service to potential migrants.³⁹³

Second, some researchers have looked at the importance of trust and reputation. According to Bilger *et al.*, Hofmann and Jandl, one overall deciding factor when choosing a smuggler was his 'good reputation'. Possibilities to thoroughly assess the quality of offered services prior to the journey are limited, and migrants have to therefore gain trust in the smuggler's ability to perform the job before they depart.³⁹⁴ According to Koser and Pinkerton, most migrants rely on stories that friends, family or acquaintance tell about specific agents, information through social networks being regarded as the most reliable source of information.³⁹⁵

According to Van Liempt, trust and reputation are also essential for smugglers who want to build a clientele. Whilst relations between agents and migrants are often purely instrumental, they are however also examples of agents trying to gain confidence by offering guarantees - one can try as many times as necessary for one fixed amount - or letting migrants pay upon arrival. One famous trick is having one's photograph taken and then upon leaving tearing the photograph in half. One half is then given to the guide and the migrant keeps the other half. When the final destination is reached the migrant sends his/her half of the photograph back to the family to show that he/she has been arrived safely. The guide then comes to the family with the other half of the photograph to collect the agreed amount of money.³⁹⁶

Thirdly, the sources reviewed show an increasing interest for smugglers' self-perception, although very little information is currently available. Webb and Burrows stress that the smugglers interviewed throughout the course of their research in the United Kingdom, tended to express little sense of wrongdoing, although they had been convicted of such an offence. Indeed, many were keen to assert the benefit of their actions for cutting down on asylum claims, assisting people in the realisation of their goals, contributing to a reduction of labour shortages and ultimately increasing tax revenue.³⁹⁷ According to Zhang and Chin, none of the smugglers interviewed in the course of their research in the United States and in China considered themselves to be criminals; although they were all aware of the illegal nature of their business activities. They saw themselves as upstanding business people that helped their friends and

392 DANIEL Serge, *Les routes clandestines. L'Afrique des immigrés et des passeurs*, opus cit. p. 15.

393 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, "Women's participation in Chinese transnational human smuggling: a gendered market perspective", opus cit., p. 713.

394 BILGER Veronika et al., "Human smuggling as a transnational service industry", opus cit., p. 83.

395 KOSER Khalil and PINKERTON C., "The social networks of asylum seekers and the dissemination of information about countries of asylum", Home Office, London, quoted in VAN LIEMPT Ilse, "The social organization of assisted migration", opus cit., p. 6.

396 VAN LIEMPT Ilse, "The social organization of assisted migration", opus cit., p. 6.

397 WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit., p. 28.

neighbors. Some even claimed that their business ventures alleviated some of China's pressing social problems, such as overpopulation and unemployment.³⁹⁸

A 2009 IOM report about migrant smuggling from East to South Africa, stressed that the smugglers understand that they are acting outside of the law. Migrant smugglers also know that they are operating with almost complete impunity due to ill-defined and weak legislation. The report noted that they do not perceive themselves as criminal but rather as providing a service that is in great demand.³⁹⁹

In her research about migrant smuggling in West Africa, Boni highlights that smugglers perceive migrants as persons who have money to spend for achieving their goals.⁴⁰⁰ Local *passeurs* offer services at a high price, exploiting every passable route for profit; often the trip necessitates that the migrant will be handed over from one *passeur* to another. Essentially, these mechanisms, from the smugglers' point of view, transform the migrants into full-blown merchandise that are "moved" to make a fortune for the individual, taking advantage of their vulnerable position.⁴⁰¹

7.2 Conclusions

There is a striking lack of information about the smuggler-migrant relationships.

Schematically, the information available focuses on three main elements: the physical and psychological constraints used against the migrants, the importance of trust and reputation and the smuggler's self perception.

Access to information is particularly difficult, given that smugglers are often reluctant to be interviewed. Most of the information, therefore, comes from testimonies provided by the migrants themselves. However, as stressed under chapter 3.2.3, some caution should be taken about the testimonies of smuggled migrants who have a vested interest in presenting themselves as naïve victims who have been cheated by the smugglers.⁴⁰² In-depth research about the smuggler-migrant relationships would be necessary in order to get insight knowledge about the smuggling process. Following the methodology used by Webb and Burrows, further research with convicted smugglers might be of particular interest.⁴⁰³

398 ZHANG Sheldon and CHIN Ko-Li, "The Characteristics of Chinese Human Smugglers: A cross national Study", opus cit. p. 10.

399 IOM (HORWOOD Christopher), "In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa", opus cit., p. 60.

400 BONI Tanella, « L'Afrique des clandestins », opus cit. p. 687.

401 Ibidem.

402 PASTORE Ferruccio et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit., p. 98.

403 WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit.

8 Organizational structures of smuggling networks

The first section will consider typologies of organizational structures and actors involved in migrant smuggling activities (8.1). Based on the information available, the study will highlight the similarities and differences in the organizational structures of smuggling networks in different parts of the world (8.2). In this section, the study looks more into details of how migrant smugglers are organized in the different parts of the world (loose network, mafia-type like networks, “artisanal” organizations). It will also review information available about factors that influence the way migrant smugglers are organized and elements that guide their evolution. Finally, it will review information available to determine whether the migrant smuggling markets are increasingly dominated by trans-national smuggling organizations.

8.1 General analysis on organizational structures of smuggling networks

8.1.1 Typology of structures⁴⁰⁴

From a general standpoint, there has been a great interest in the literature on the organizational structure of smuggling networks. Inter-governmental organizations and national administrations have published or sponsored research on this issue in order to increase the capacity to investigate and prosecute smuggling-related offences.⁴⁰⁵

The literature reviewed shows that the organization of migrant smuggling can take many forms as indicated by the great diversity of concepts used to describe this phenomenon. According to Heckmann, the methodology presented in the literature on migrant smuggling is rather weak and often uses vague and *ad hoc* concepts, such as ‘the smuggling industry,’ ‘migrant merchants,’ ‘mom-and-pop smugglers,’ ‘organized crime’ etc.⁴⁰⁶

Authors’ views vary greatly regarding the actual hierarchical structure of smuggling networks. According to Salt and Stein, migrant smuggling is a business dominated by hierarchically organized criminal groups who utilize existing smuggling routes (for example, those used for

404 See also chapter 9.1.1.

405 See for instance, WEBB Sarah and BURROWS John, “Organized immigration crime: a post-conviction study”, opus cit.; ZHANG Sheldon and CHIN Ko-Li, “The Characteristics of Chinese Human Smugglers: A cross national Study”, National Institute for Justice, opus cit.

406 HECKMANN Friedrich, “Illegal migration: What can we know and what can we explain? The case of Germany”, International Migration Review, vol. 38 n° 3, Fall 2004, p. 1103-1125

drug trafficking) and adapt various *modus operandi* to deal with a different commodity, i.e. migrants.⁴⁰⁷

According to the sources reviewed, the academic debate has focused on the question of whether there is evidence that large international organized crime organizations are involved in migrant smuggling, or whether this activity is largely run by networks with mutual commonality for familial, friendship or ethnic reasons.⁴⁰⁸

According to the sources reviewed, authors tend to have strong and often contradictory views. As summarised by Van Liempt, opinions are divided on the exact involvement of organized crime in migrant smuggling. According to her, one of the problems is that it is difficult to come up with completely exclusive criteria for measuring organized crime. Given the lack of consensus regarding the criteria, the definition of organized crime is still a source of controversy among researchers and international organizations.⁴⁰⁹

On the contrary, some authors like Van Duyne, Passas and Nelken argue that the concept of organized crime should be abandoned in favour of an 'enterprise model'. This model suggests that flexible and adaptive networks can easily expand and contract to deal with the uncertainties of the criminal enterprise. The entrepreneurs are organized only to the extent that they can effectively carry out illicit activities.⁴¹⁰

The empirical research carried out in different regions around the world seems to confirm the predominance of the 'enterprise model.' In their research about networks operating from China to the US, Chin and Zhang show that there are large numbers of smaller, flexible crime groups or individual criminals that interact when necessary. Research projects carried out in Western and Eastern Europe, but also in Africa, confirm that the organizational structure of the smuggling groups are rather flexible networks with "a post modern criminal structure", rather than a solid pyramid as is the case with classical Mafia organizations. According to the sources reviewed, the research gave no evidence of a monolithic mafia-type operation. Migrant smugglers can be highly professional but loosely organized.⁴¹¹

However, the findings of the regional analysis (8.2) show that anti-smuggling policies of certain countries might have unintended consequences on the organizational structures of smuggling networks: small-scale networks are gradually replaced by larger sophisticated criminal networks.⁴¹² For instance, in the case of the US Mexico borders, the research available includes strong evidence of the involvement of drug cartels in migrant smuggling following the introduction of restrictive border management measures in the early 90s (see 6.2.3).

407 SALT John and STEIN Jeremy, "Migration as a business: the case of trafficking", opus cit.

408 NESKE Matthias, "Human smuggling to and through Germany", opus cit., p. 123.

409 VAN LIEMPT Ilse, "The social organization of assisted migration", opus cit., p. 34-35.

410 PASSAS and NELKEN (1993), VAN DUYNE (1997) quoted in ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside human smuggling organizations", opus cit., p. 740.

411 HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly, Conference report of the transatlantic workshop on human smuggling, supported by the German Marshall Fund, opus cit., p. 5.; WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit., p. 21.; HAAS (de) Hein, "The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU", opus cit., p. 25

412 UNODC, "Transnational trafficking and the rule of law in West Africa", opus cit., p. 63; SPENER David, "Mexican Migrant-Smuggling: A Cross-Border Cottage Industry", opus cit., p. 299.

Further, given the limitations inherent to empirical research, researchers have handled the issue of the link between smuggling organizations and traditional organized crime organizations carefully. Limitations may exist, in particular, regarding the sample of persons interviewed, the credibility of the information provided by individuals involved in illegal activities and the lack of transparency of the smuggling business. Chin and Zhang, for instance, have stressed the difficulty to establish a substantiated connection between traditional organized crime groups and the migrant smuggling networks, given researchers' limited access to smugglers. Although, according to their sample smugglers had no link with organized crime groups, Chin and Zhang made clear that their research cannot completely rule out the link between traditional organized crime and migrant smuggling operations.⁴¹³ Webb and Burrows take a similar view and stress the fact all the convicted migrant smugglers that took part in the research programme would systematically minimize their responsibility in the smuggling process and deny any link with a criminal organization.⁴¹⁴

8.1.2 Typologies of actors involved

The literature reviewed shows that there may be a range of different actors performing a range of different roles in the smuggling process. Research about migrant smugglers shows that often those individuals at the top of migrant smuggling networks are the most difficult to gain evidence against but until they are brought to justice, migrant smuggling will continue.⁴¹⁵

Although each smuggling ring operates differently, authors like Bajrektarevic and Schloenhardt have identified a typology of actors involved in providing specific services.⁴¹⁶ The typology developed by Schloenhardt is based on the research of Chin, as well as on the outcome of a joint programme implemented by the UNICRI and the Australian Criminology Institute.⁴¹⁷ Schloenhardt's work has had a great influence on academic circles but also on specialised agencies. Based on Schloenhardt's research and other typologies about the roles that might come into play during a smuggling operation, UNODC has developed the following typology:⁴¹⁸

Coordinator/ Organizer

The 'coordinator' or 'organizer' is the person with the overall responsibility for the smuggling operation, acting like a 'manager' of an enterprise. He or she might direct, employ or

413 ZHANG Sheldon and CHIN Ko-Lin, "The characteristics of Chinese human smugglers; a cross national study", opus cit., p. 3.

414 WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit., p. 10.

415 WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit., p. 19; ZHANG Sheldon and CHIN Ko-Lin, "The characteristics of Chinese human smugglers; a cross national study", opus cit., p. 3.

416 BAJREKTAREVIC A., "Trafficking in and Smuggling of Human beings: linkages to organized crime: International legal measures", ICMPD, 2000 quoted p. 174 in ARANOWITZ Alexis, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", opus cit.,; SCHLOENHARDT Andrea, "Organized crime and the business of migrant trafficking: an economic analysis", opus cit., p. 33.

417 UNICRI and AIC, Rapid assessment: human smuggling and trafficking from the Philippines, November 1999, opus cit.

418 UNODC, A short introduction to migrant smuggling, Migrant Smuggling Issue Paper n°1, 2010.

subcontract other individuals participating in a particular operation. The organizer oversees the whole process within his/her area of responsibility and can arrange for a change of personnel, routes, modes of transport and accommodation. The organizer has many contacts. A full smuggling operation might be organized by one organizer or a chain of organizers who make arrangements with each other. Traditionally, it has been extremely difficult to gather sufficient evidence against the organizers. They often have “employees” who actively engage in the criminality and these people will only report to them when required.

Recruiters

Recruiters advertise their services and establish contacts between smugglers and migrants wishing to make use of smuggling services. Recruiters will often tempt people into migrating, often misinforming them about both the process and the reality of the destination country. They prey on vulnerable persons and exploit their vulnerability. Recruiters may also collect the initial fees for the transportation. Recruiters may also use the services of persons who do not directly recruit persons to be smuggled, but will provide information about where such persons could be found. Recruiters may often not be affiliated with one particular smuggler. Recruiters often live permanently in the country of origin or transit and have a good knowledge of the language of the migrants, and may even know them personally.

Transporters / Guides

‘Transporters’ or ‘guides’ execute the operational part of smuggling operations by guiding and accompanying migrants en route in one or more countries and carrying out border crossings. Migrants may be handed from one guide to another at different stages of a journey. Often guides are men from border regions with local knowledge. When intercepted with a group of migrants, guides will often seek to pass themselves off as one of the migrants. Because guides are often easy to recruit, their loss from the network does not necessarily represent a serious interruption to smuggling. At the same time, the guide plays a crucial role with respect to individual migrants’ successful border crossing and they are in a position where they can mistreat or exploit the people they are guiding. It is often the role played by the guide, which will ultimately most impact the reputation of the smugglers. In some contexts guides may not be affiliated with larger smuggling networks, but only provide services on contract basis or otherwise loiter around international border areas (bridges, bus stations, etc.), touting for work.

Spotters, Drivers, Messengers, Enforcers

Spotters, drivers and messengers are individuals who perform ad hoc jobs that are part of the smuggling process. Spotters, for instance, may have the responsibility of providing specific information about checks by the police, border guards and the army. Spotters often travel at a distance in front of the vehicle carrying the smuggled migrants and communicate with it by a mobile phone to warn of possible checks.

Enforcers may resort to using threats or actual violence against the migrants being smuggled to keep them under control during a smuggling operation (e.g. numerous migrants aboard a vessel), to make the delinquent migrants pay outstanding smuggling fees or to safeguard the smuggling business.

Service providers and suppliers

Ad hoc providers and suppliers are individuals who often have a relationship with the smugglers and are paid a share of the profits for their role in the smuggling process. They may often deal with more than one smuggling group and so will provide their services to whoever is paying them. They may be used frequently or sporadically depending upon the services offered and

what is actually required. For instance, boat owners or makers may be complicit in the use of their boats for migrant smuggling purposes.

People also harbor smuggled migrants and migrant smugglers throughout the smuggling process. These include hotel, house or apartment owners (or residents) who are responsible for providing accommodation to migrants en route. Hotel owners are particularly useful when groups of migrants need to be gathered together before being smuggled.

Service providers may also include other individuals who play a role in facilitating the process for a price. These may include:

- Forgers of passports, visas and other travel and immigration documentation;
- Document counterfeiters;
- Train conductors;
- Taxi drivers;
- Airline staff;
- Boat owners or owners of other vehicles;
- People responsible for the upkeep of vehicles (for instance, rubber dinghies) and supply of fuel;
- Financiers / Cashiers, responsible for paying the migrants' money to the smuggler(s) upon successful completion of the smuggling operation. Cashiers may also be involved in legitimate business e.g. shop owners.

Others

'Corrupt public officials', that is, border police, soldiers, immigration officials, employees in embassies and consulates, port police and other actors are paid a bribe to 'turn a blind eye' or otherwise facilitate the smuggling process.

It should also be noted that some individuals facilitate the smuggling process but are unaware that they are doing so because they receive no special payment for their role (for instance, a taxi driver who unknowingly transports smuggled migrants for the normal fee). Other individuals may be aware of the indirect benefit they receive from their passive role in the migrant smuggling process, but turn a blind eye to it (for instance, a taxi driver who receives a normal fee is aware that he is transporting a smuggled migrant to a safehouse, but thinks it is not his business to interfere).

This typology does not suggest that smuggling networks function according to a pyramidal hierarchy. As UNODC stresses, there may be a range of different actors performing a range of different roles in the smuggling process e.g. small-scale smugglers would generally not employ other actors in the process but arrange all aspects of the actual operation themselves. Within larger smuggling groups, there will be a division of work among the involved actors.

8.2 The organizational structure of smuggling networks: a regional perspective

8.2.1 Europe

Western Europe

The literature reviewed indicates great interest of Western researchers regarding the issue of the organizational structure of migrant smuggling to Europe. Whilst many pieces of literature include details about the organization of smuggling networks, which facilitate illegal entry into Europe, the paragraph below offers only a selection of the most relevant information found in recent research. The literature reviewed has three main characteristics:

- A consensus amongst experts about the structure of the smuggling market in Western Europe,
- A consensus about the division of tasks amongst the actors involved in the smuggling process,
- Some diverging views about the connection with mafia-type or terrorist organizations.

First, research projects carried out on Western and Central European countries show the predominance of the ‘entrepreneur’ model in Western Europe. Migrant smugglers often operate in a similar way across the region with flexible transnational networks carrying out their activities in countries of origin, transit and destination. The literature reviewed also provides interesting details about the extent to which the different actors involved in the smuggling process cooperate or compete.

According to Bilger *et al.*, in many regions there is a complex market for different smuggling services offered by a multitude of providers from which potential migrants can choose. The evidence collected from interviews with migrants, police and legal experts, indicates that there is often an intense rivalry between smugglers competing for the same pool of clients. This competition mainly takes place on the horizontal level, i.e. between smugglers operating out of a common ‘smuggling hub’ or along the same stages of smuggling routes. On the vertical level, there may rather be cooperation amongst smugglers operating at different stages of the same smuggling route, for example, by ensuring a constant flow of new customers from source countries or by directing one’s own clients to new contact points further down the line.⁴¹⁹

According to Neske, the central question relates to the existence of the prevailing coordination mechanisms among the migrant smugglers.⁴²⁰ This issue is also present in the work of authors like Koser and Içduygu - who believe that smuggling structures are ordered in a network-like manner.⁴²¹ Authors like Okólski on the other hand believe that smuggling structures are hierarchical.⁴²² Pastore *et al.* highlight that alliances between groups and/or individuals are

419 BILGER Veronika *et al.*, “Human smuggling as a transnational service evidence from Austria”, opus cit. p. 64.

420 NESKE Matthias, “Human smuggling to and through Germany”, opus cit. p. 135.

421 KOSER Khalil and PINKERTON, “The social networks of asylum seekers and the dissemination of information about countries of asylum”, quoted in “Human smuggling to and through Germany”, opus cit. p. 135.

422 OKÓLSKI Mark, “Illegality of international population movements in Poland”, *International Migration*, 38 (3), p. 57-90.

influenced by the market. The bargaining power of one actor inside the coalition grows according to how near he is to the source of potential customers. A crucial factor is their ability to make deals with organizations or operators who can recruit migrants in their country of origin, or can control the demand for new journeys in places where they have settled.⁴²³ Neske supports the view that the relationship between coordinators and local service providers is primarily guided by market conditions. Local service providers are most often nationals or residents of a transit country who carry out actual smuggling operations, whereas coordinators usually have the same ethnic background as the smuggled migrants, pre-organize the journey, conduct negotiations with local smugglers and pay them. The local service providers' 'different' ethnic background and the lack of contacts with migrants and coordinators may make it difficult for them to become coordinators themselves. In the cases examined by Neske, threats, if they are made at all, practically only ever refer to not being asked to take part in the next smuggling operation. Consequently, Neske argues that the service providers and coordinators are not part of a joint organization; they are rather part of a process which works on the principles of the market. After successful cooperation over a long period of time, one could consider a 'networkization' of relationships, similar to the establishment of a circle of regular customers.⁴²⁴

Second, the sources reviewed show a clear consensus among experts that smugglers are working according to a clear division of tasks, and research projects usually refer to typologies similar to the one developed by Schloenhardt. Interviews with smugglers indicate that the principle of division of labour is strictly respected. Actors involved are often unaware of the broader structure of the smuggling network.⁴²⁵ In his study about smugglers operating in the French reception centre in Sangatte (France), Coureau notes that smuggling networks use a different person for each specific task such as to keep contact with the client, to reach an agreement, to get the fees and to stow them. Each link in this chain receives a percentage of a total amount charged.⁴²⁶ Sciortino comes up with very similar findings in a thorough analysis of 610 cases of migrant smuggling in Northern Italy.⁴²⁷

A typical description of the organization of smuggling networks operating in Western Europe can be found in Bilger *et al.* According to them, small-scale, self-employed smugglers are individuals engaging in migrant smuggling activities on an occasional basis, restricted to short-distance operations or single border crossings. They would usually take care of all aspects of the actual operations themselves, including transporting the migrants across the border(s). Larger smuggling networks, on the other hand, are hierarchically structured and they operate on the basis of a sophisticated division of labour, including "organizers" or "smugglers," "intermediaries," "recruiters," "guides," "spotters," "drivers," "messengers," and "external collaborators."⁴²⁸

423 PASTORE Ferruccio et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit., p. 104.

424 NESKE Matthias, "Human smuggling to and through Germany", opus cit. p. 146.

425 WEBB Sarah and BURROWS John, "Organized immigration crime: a post-conviction study", opus cit., p. 19.

426 COUREAU Henri, "Tomorrow Inch Allah, chance! People smuggler networks in Sangatte", opus cit., p. 381.

427 SCIORTINO Giuseppe, "The irregular immigration industry on the North East border", opus cit., p. 15.

428 BILGER Veronika et al., "Human smuggling as a transnational service evidence from Austria", opus cit. pp.77-78.

Based on their field research in Turkey, İçduygu and Toktas argue that independent individuals or groups combine and coordinate their efforts at various stages during the smuggling process. They have access to the latest telecommunications technology and can change and adapt their strategies rapidly depending on reinforced border controls or regarding the most profitable means of transportation. Even though they are not supported by a centralized organizational system, they nevertheless run their operations effectively.⁴²⁹ According to Bilecen, a good example of the so-called ‘occasional’ migrant smugglers is traders at the border between Iraq and Iran and Turkey. Migrant smugglers have little or no organization as they are the ones helping their family members and relatives.⁴³⁰

Anatopoulos and Wynterdyk came up with similar conclusions in a thorough study about the organization of the smuggling process in Greece.⁴³¹

Third, there are diverging views regarding the existence of links with organized crime organizations. According to Coureau, the smuggling fees may be sources of income for political movements and definitely pass through mafia-like organization.⁴³² According to Narli, migrant smuggling is executed by the organized crime networks operating in Turkey and in the Balkan countries, and secondly by the terrorist groups who need money to finance their activities.⁴³³ Cermakova and Nekorjak hold similar views about Ukrainian middlemen facilitating the irregular entry and employment of Ukrainian migrants in the Czech labour market. According to them, it is a system closely linked to the local mafia organizations operating in both countries.⁴³⁴

This position is rebutted by Pastore *et al.*, who considers there to be three major differences between smuggling organizations and mafia-like organized crime organizations. The first difference is that there is no monopolistic relationship between the various actors involved in smuggling networks. The second difference is the absence of long-term agreements among these persons; even if collaboration is often repeated, there are no records of “minimum guarantees” or payments of salaries. The third difference is that, contrary to the mafia, each person involved into the smuggling chain retains the possibility to refuse or accept a certain proposal of collaboration without fear of sanctions.⁴³⁵

Eastern Europe and Central Asia

Over the past years, ICMPD has systematically collected information about the organizational structure of smuggling groups operating in Central and Eastern Europe. According to the 2007 ICMPD report, law enforcement authorities have reported about activities of large, medium and small smuggling groups, and also of individual smugglers. Large groups are acting at the

429 İÇDUYGU Ahmet and TOKTAS Sule, “How do smuggling and trafficking operate via irregular border crossing in the Middle East? Evidence from fieldwork in Turkey”, *International Migration* vol. 40 n° 6, 2002, p. 25-54.

430 BILECEN Basak, *Human smuggling networks operating between Middle East and the EU*, opus cit., p. 8.

431 ANTONOPOULOS Georgios and WINTERDYCK John: “The smuggling of migrants in Greece: an examination of its social organization”, opus cit., p. 449.

432 COUREAU Henri, “Tomorrow Inch Allah, chance! People smuggler networks in Sangatte”, opus cit., p. 381.

433 P. 24 in NARLI Nilufer, “Human trafficking and smuggling the process, the actors and the victim profile”, opus cit.

434 CERMAKOVA Dita and NEKORJAK Michael, “Ukrainian middleman system of labour organization in the Czech Republic”, *Tijdschrift voor Economische en Sociale Geografie* – 2009, vol. 100, n°1, p. 33-43

435 PASTORE Ferruccio et al., “Schengen’s soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy”, opus cit., p. 106.

international level, highly structured organizations operating on the basis of clear division of labour. An example of such groups are organized groups involved in migrant smuggling in Bulgaria that are acting as part of bigger multinational networks managing irregular flows coming from Iraq.⁴³⁶

According to ICMPD, the ‘enterprise’ model seems to be predominant in that region with many smugglers operating in the region - up to 65% in certain countries – working on their individual account or as members of small networks. Regardless of the size of the networks, very often smugglers and the local guides have the same ethnic origin as the migrants, which facilitates communication within the group of persons smuggled. Similar to the situation in Western Europe, reports from law enforcement authorities have also confirmed an increasing professionalism in strategy, tactics and services – ranging from irregular border crossing to falsified documents. Methods are chosen according to current possibilities, depending on the intensification of border controls as well as available financial resources.⁴³⁷

IOM describes the structure of migrant smuggling networks in Hungary, Poland and Ukraine using the term ‘chain organization’. According to this concept, the general structure of migrant smuggling operations has three or four levels.⁴³⁸ At the top are the “brains” of the smuggling operations. On the next level are the organizers who are located in each country of the route – they could be either a national of that country or from the country of origin of the smuggled migrants – and who have direct contact with each other. The third level includes local, bilingual people who transfer information between the organizers and the bottom level smugglers who are, commonly, locals. At the bottom level, smugglers, who are nationals of the country in/through where the smuggling operation takes place, may work on a permanent or temporary basis, providing services such as transport, accommodation or safe houses, and information of the newly opened or closed routes.⁴³⁹

8.2.2 Africa

Northern and Western Africa

According to the sources reviewed, there are some key differences in the structure of smuggling networks operating by sea and the ones operating by land.

As outlined by Pastore *et al.*, the initial assumption that the greater level of investment required to carry out smuggling operations by sea would imply the presence of structured and centralized organizations. However, a detailed analysis of smuggling networks around the Mediterranean Sea shows that this initial assumption is not valid as these networks are usually complex, flexible coalitions managed through contractual agreements and repeated interactions. These

436 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 22.

437 Ibidem.

438 IOM, “Migrant trafficking and human smuggling in Europe: a review of the evidence with case studies from Hungary, Poland and Ukraine”, Research Paper, 2000.

439 MAVRIS Lejla, “Asylum Seekers and human smuggling: Bosnia and Former Yugoslavia as a transit region”, opus cit., p. 8.

organizations operate on a short time-scale, responding to changing problems with flexible solutions.⁴⁴⁰

According to the 2009 UNODC report, the Libyan route appears to be better organized than the others, based on the number of migrants transported and the diversity of their origins, including West and East Africans, as well as Iraqis and South Asians. It is unclear whether the groups working along this route are operating cooperatively or in competition with each other.⁴⁴¹

Similar information has been provided about organizations moving migrants by sea to Spain. According to Carling, Northern Morocco is home to a variety of migrant smuggling networks, ranging from internationally organized criminal groups to individual fishermen.⁴⁴² According to Collyer, Spanish media and official discourse referred to the smugglers as “the Moroccan mafias”. However, the bulk of smuggling is usually organized by fluid networks of individuals.⁴⁴³ Although each smuggling network is organized in a different way, research shows that they usually include: recruiters, middlemen, pilots and various categories of assistants.⁴⁴⁴ Although these networks are not centrally organized, they are nonetheless very well organized and adjust promptly to law enforcement measures as one can see from abandonment of the Gibraltar Strait in favour of other routes, such as the Canary Islands.⁴⁴⁵

However, the latest information published in 2009 by UNODC shows an evolution of the organizational structures of the smuggling networks operating between West Africa and the Canary Islands from more fluid to more stable structures, as a result of the more stringent law enforcement strategy deployed by Spain.

Empirical research on smuggling organizations operating along the desert routes has not been developed extensively. Only research based on small samples of interviews with migrants and journalist reports is available.⁴⁴⁶ Information on the routes and hubs within North African countries has been collected only recently, with a focus on foreign communities and ghettos entrenched in the social life of North African countries, where transit and irregular migrants live, and where smugglers find a large portion of their clients.⁴⁴⁷

The reviewed literature has revealed the presence of migrant smugglers and intermediaries of various nationalities and languages along the routes that cross the desert and in several large

440 MONZINI Paola, “Sea-Border Crossing: the Organization of Irregular Migration to Italy”, opus cit., p. 179.

441 UNODC, “Transnational trafficking and the rule of law in West Africa”, opus cit., p. 63.

442 CARLING Jorgen, “Unauthorised migration from Africa to Spain”, opus cit, p. 22-23.

443 COLLYER Michael, “Undocumented sub-Saharan African migrants in Morocco”, Working Paper, Sussex Centre for Migration Research, University of Sussex quoted CARLING Jorgen, “Unauthorized migration from Africa to Spain”, opus cit., p. 22.

444 CHAREF Mohammed and CEBRIAN Juan, “Des pateras aux cayucos: dangers d'un parcours, stratégies en réseau et nécessité de passeurs”, opus cit. p. 103.

445 CARLING Jorgen, “Unauthorized migration from Africa to Spain”, opus cit., p. 28; See also CHAREF Mohammed and CEBRIAN Juan, “Des pateras aux cayucos: dangers d'un parcours, stratégies en réseau et nécessité de passeurs”, opus cit., p. 98.

446 HAMOOD Sara, “African transit migration through Libya to Europe: the human cost”, opus cit, p. 43-49 DANIEL Serge, *Les routes clandestines. L'Afrique des immigrés et des passeurs*, opus cit, p.

447 See for example COLLYER Michael, “States of insecurity: consequences of Saharan transit migration”, opus cit.; PLIEZ Olivier, “Le Sahara libyen dans les nouvelles configurations migratoires”, opus cit.

cities. The sale of passage is generally mediated during the long journey by co-nationals of migrants; the middlemen – “facilitators” – are generally of the same ethnicity as the migrant.⁴⁴⁸ Anteby-Yemini and Daniel report that these facilitators also work in networks. They may cosign their passengers to their cross-border ‘colleagues,’ or receive ‘reservations’ from distant countries. As for the organization of travel by sea, there is an organizational level consisting of ‘advertising’ smuggling activities, and another level more directly tied to transport.⁴⁴⁹ Yet the structure of the networks of relations existing between the various “actors” has not been analyzed in detail.

As stated by Heckmann, organizations which transport a large number of people require a complex form of organization – that is, a large, inter-organizational network of organizations – not a pyramid-like hierarchical organization.⁴⁵⁰ This seems to be the case for most of the smuggling networks in North African countries. The networks that assist illegal migration to, from and through North Africa seem to be extremely flexible. Different forms of organization and techniques coexist. In the end, smuggling networks operating on the land are not hierarchically structured, and are probably even less “defined” than those which smuggle migrants by sea.⁴⁵¹

According to other sources, some of the West African groups – particularly the Nigerian ones – seem to be highly structured. If these networks do not control the routes themselves, they at least coordinate with other networks to which they outsource part of the transport along the route.⁴⁵² As UNODC has noted, the main nationalities of apprehended migrants do not necessarily coincide with the nationalities of the main groups of irregular migrants. In fact, it appears that migrants from wealthier countries are less likely to be apprehended than those from the poorer countries.⁴⁵³

East and Southern Africa

Few of the reviewed publications provide information about the organizational structures in East and South Africa.

ICMPD publications describe the omnipresence of a wide range of migrant smugglers who sell their services, professionally and in stages along the East African routes. Irregular migration from East Africa should then be seen in the context of a larger social framework, of which the smugglers only form a part. Relatives, friends, and members of the diaspora play an important role in supporting the migrants financially and in providing them with information for the migration project.⁴⁵⁴

448 HAMOOD Sara, “African transit migration through Libya to Europe: the human cost”, opus cit, p. 50ss.

449 ANTEBY-YEMINI Lisa, « Migrations africaines et nouveaux enjeux de la frontière israélo-palestinienne », opus cit., p. 5-6 ; DANIEL Serge, Les routes clandestines. L’Afrique des immigrés et des passeurs, opus cit, p. 185ss.

450 HECKMANN Friederich, 2005 “The Social Organization of Human Smuggling”, Report and Analysis, Center for International Relations, Warszawa, 2005

451 MONZINI Paola, “Sea-Border Crossing: the Organization of Irregular Migration to Italy”, opus cit.; CARLING Jorgen, “Unauthorised migration from Africa to Spain”, opus cit.; COSLOVI Lorenzo, “Biglietti diversi. Destinazione comune. Indagine sul mercato dell’emigrazione irregolare dal Marocco centrale verso l’Italia e la Spagna”, Working paper n°32, CESPI, Rome 2006; COSLOVI Lorenzo, “Brevi note sull’immigrazione via mare in Italia e in Spagna”, January, CESPI, 2007, sources quoted in UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

452 UNODC, Organized crime and irregular migration from Africa to Europe, opus cit., p. 14.

453 UNODC, Organized crime and irregular migration from Africa to Europe, opus cit., p. 13.

454 P. 30 in ICMPD (International Centre for Migration Policy Development), East Africa Migration Route Initiative, Gaps and Needs Analysis Report, Country reports: Ethiopia, Kenya, Libya, Vienna, 2008

According to the IOM, there are smuggling chains with Somali linchpin ‘managers’ who reside in major capitals and at key nodes in the journey (ports, refugee camps or border areas). Those who actually transport or guide the irregular migrants across the region can be hired from a wide range of the managers’ local contacts. They are drawn from the local pool of opportunists or criminals and are unlikely to speak the languages of those they are handling. According to the same source, the organizational model observed is close to the “supermarket model” with relatively low costs, a high failure rate at border crossings (requiring repeated attempts) and multiple actors acting independently or in loose affiliation.⁴⁵⁵ The IOM report highlights that this complex structure of sub-contracting transportation, guides and so-called facilitators is at the heart of the abuse and brutality that migrants face on their journey. Indeed, chief smugglers have a limited control of how their clients are treated once they are beyond their control. From a moral perspective, chief smugglers absolve themselves of the hardships and crimes their clients may face.⁴⁵⁶

With regard to migrant smuggling between Somalia and Yemen, there is only limited information about the structure of the migrant smuggling networks and further research would be needed on this matter. While not describing the structure of migrant smuggling networks in great details, Thiollot mentions that smuggling rings involve mafia-type networks.⁴⁵⁷ However, the report of the Mix Migration Task Force observes, on the contrary, that there is little evidence of linkages to major international crime syndicates. According to this report, the networks of migrant smugglers are transnational, with migrants and refugees carrying contact details for persons within the network at each stage of the journey. Some smugglers maintain contact with individuals or groups in Yemen, with Somali refugees, and the Somali diaspora in Kenya; although only anecdotal information could be found to link Somalis living in Nairobi with operation of the smuggling network in Somalia. In Bossaso, several hundred people are involved in the migrant smuggling network, including boat owners, boat crews, restaurant and café owners, telephone centre owners, policemen, businessmen, truck owners, and landlords. There are indications of strong links between individuals within the local government and the migrant smuggling network.⁴⁵⁸

8.2.3 Americas

Northern America

The literature reviewed shows that the information about the organizational structures of groups that facilitate illegal immigration into the United States is scattered. As highlighted in previous chapters, the sources reviewed mainly cover the organization of Mexican and Chinese

455 IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, opus cit., p. 58.

456 IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, opus cit., p. 57 and 58.

457 THIOLLET Hélène, “La mobilité dans la Corne de l’Afrique: entre urgence humanitaire et contrainte sécuritaire”, opus cit., p. 87.

458 Mixed Migration Task Force Somalia (co-chaired by UNHCR – IOM), “Mixed migration through Somalia and across the Gulf of Aden”, opus cit. p. 8.

smuggling rings. Very little information is available about other potentially important smuggling organizations such as the Lebanese, Korean or Russian organizations.⁴⁵⁹

The most sophisticated work was carried out by Zhang, who developed a synthesis on the organizational structures and *modus operandi* of the various smuggling networks operating in the United States. Since his research is also the most recent, it is taken as a point of reference by the author of this review. According to Zhang, most migrant smuggling organizations do not have an identifiable command structure. There are multiple layers of operatives involved in the smuggling process who support one another in order to achieve the eventual goal of delivering clients to their final destination and collecting the fees.⁴⁶⁰ Regarding the relationship between smuggling networks, Zhang comes up with similar conclusions that the enterprise of transnational migrant smuggling has remained fragmented and dominated by groups of loosely affiliated entrepreneurs. The temporary alliances disband when there are no clients or when a key member whose service to the operation drops out.⁴⁶¹

Operations involving a combination of methods (sea, air, land) tend to involve greater operational complexity. Zhang has established a typology of tasks that is similar to the typology identified by Schloenhardt such as recruiters – coordinators – drivers – safe house operators – local guides – document vendors – corrupt public officials – enforcers and debt collectors.⁴⁶² Interestingly enough, Zhang shows that while official corruption predominantly occurs in sending countries, some cases were also documented in the United States. Zhang's research highlights that corruption of government officials is present at several stages of the smuggling process; while it is a core element of smugglers' *modus operandi* (see 9.2.3), some corrupted government officials can also be actively involved in the process as smugglers themselves.

Beyond these general features, the organizational structures of migrant smuggling business seem to vary greatly from one 'community' to another. According to Zhang and Chin, Chinese smuggling networks are not structured according to a hierarchical pyramid but are rather loosely connected entrepreneurs who gather because of their mutual need to make money.⁴⁶³ According to these authors, migrant smugglers have formed organizations that deviate significantly from those of traditional triad society. This view is supported by Finckenaue, who believes that there is no empirical support for the belief that there is a well-organized, monolithic, hierarchical cartel with a chain of command or coordination with other international crimes such as heroin trafficking, money laundering, and the smuggling of aliens.⁴⁶⁴

Regarding the situation at the US-Mexico border, as aforementioned, the individuals and small-scale "mom and pop" enterprises that formerly dominated the business of guiding and

459 ZHANG Sheldon, Smuggling and trafficking in human beings. All roads lead to America, opus cit., p. 89.

460 ZHANG Sheldon, Smuggling and trafficking in human beings. All roads lead to America, opus cit., p. 97.

461 ZHANG Sheldon, Smuggling and trafficking in human beings. All roads lead to America, opus cit., p. 94.

462 Ibidem.

463 ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit., p. 738.

464 FINCKENAUER, James O. "Chinese Transnational Organized Crime: the Fuk Ching", National Institute of Justice, 2001 available at [<http://www.ncjrs.gov/pdffiles1/nij/218463.pdf>]

transporting migrants have largely been driven out of business.⁴⁶⁵ Reports published by US law enforcement authorities show evidence that migrant smugglers belong to criminal networks and that there is an increasing involvement of drug cartels into migrant smuggling activities. Spener and Lopez-Castro identified three categories of migrant smugglers found along the Texas-Mexican border.⁴⁶⁶ Academics usually refer to this classification, namely:

- ‘*Pateros*’ refers to Mexican smugglers who take migrants across the border along the Rio Grande River but do not organize the travel into the United States interior.
- ‘*Coyotes*’ are natives of interior towns and villages of Mexico who provide smuggling services to others in their communities. They operate with one or more assistants to smuggle groups of five or six migrants on an occasional basis. They have gained their knowledge of entering the United States illegally from their own experiences as migrants and generally accompany their groups to the interior destination.
- Border commercial smugglers are believed to be responsible for the majority of migrant smuggling along the border. These migrant smugglers operate in groups that might be large or small and loose or tightly knit. They may work in other employment and provide smuggling services on the side. They may smuggle migrants only from specific Mexican communities or provide such services to anyone wishing to enter the US illegally.

An original feature of the Chinese smuggling networks is the significant proportion of female smugglers - and their specific role in smuggling organizations - a characteristic that does not seem to exist in other migrant smuggling communities, according to sources reviewed. In a thorough study about this phenomenon, Zhang, Chin and Miller explain the presence of women in Chinese smuggling networks by the increasing number of potential female migrants. This phenomenon has created a clientele who prefers working with female migrant smugglers. Further, migrant smugglers are often perceived as providing assistance to individuals and communities. Thus, women can more easily engage in migrant smuggling operations without conflicting with their “cultural role fulfilment” – i.e. providing care.⁴⁶⁷

Whilst gender segregation still persists, the information reviewed shows that female migrant smugglers are not only dealing with roles like the recruitment or the payment. However, women disproportionately participate in smuggling activities that pose the least risk for detection such as arranging fraudulent marriages. Women are not involved in risky activities such as escorting migrants across borders. Women do not take part in smuggling by sea that is one of the riskiest facets of the smuggling business.⁴⁶⁸ Further research would be needed in order to gain more knowledge about the potential involvement of women in smuggling organizations.

465 SPENER David, “Mexican Migrant-Smuggling: A Cross-Border Cottage Industry”, opus cit., p. 299.

466 SPENER David, “Smuggling migrants through South Texas: Challenges posed by operation Rio Grande” pp. 115-137 in *Global Human Smuggling. Comparative Perspectives*, eds. KYLE David and KOSLOWSKI Rey, the John Hopkins University Press, 2001; LOPEZ CASTRO G., “Coyotes and alien smuggling” quoted in GUERETTE Rob and CLARKE Ronald, “Border enforcement, organized crime and deaths of smuggled migrants on the US-Mexico border”, opus cit., p. 165.

467 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, “Women’s participation in Chinese transnational human smuggling: a gendered market perspective”, opus cit., p. 704.

468 ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, “Women’s participation in Chinese transnational human smuggling: a gendered market perspective”, opus cit., p. 720.

Latin America

Sources reviewed reveal a substantial lack of comprehensive research about the organizational structures of smuggling networks in Latin America, with the exception of Mexico. Whilst no detailed information is available, some limited explanations could be found in Kyle and Scarcelli regarding the evolution of the structure of the Cuban smuggling networks in response to the new US enforcement strategies in the post-9/11 political environment. Kyle and Scarcelli argue that smuggling networks have evolved from a 'self-service' market – where migrants could simply assemble their own craft for self-smuggling – to a mafia type of organization. According to them, the smuggling organizations now have a permanent presence in the same Mexican coastal regions that drug smugglers favour. Only a smuggling syndicate could have the resources to use force and pay bribes needed to operate in the violent climate of Mexico.⁴⁶⁹

The author of that review could not find any complementary information about or confirming that fact. Further research should be carried out in order to get comprehensive knowledge about smuggling organizations in that region.

8.2.4 Asia

The reviewed literature did not contain any relevant information about South and West Asia.

Also, there is almost no recent literature available on the organizational structure of smuggling networks in East Asia and the Pacific region – except for some studies about Chinese smuggling networks operating in the United States that are included under paragraph 8.2.3.

The reviewed literature has been mainly published by the Australian Criminology Institute. The quality of that research was discussed in previous chapters as some of the reports use the concepts of “smuggling” and “trafficking” interchangeably (see chapters 2 and 4).

The organization of smuggling networks operating in Australia was described by Schloenhardt in a 2002 report commissioned by the Australian Criminology Institute, using data from law enforcement authorities from 1993 onwards. According to Schloenhardt, Australian law enforcement authorities initially worked on the assumption that unauthorised boat arrivals and illegal immigration by air have been arranged by independent operators who only provide limited services.⁴⁷⁰ However, Schloenhardt notes that more recent studies assume that much of the illegal immigration to Australia by boat is organized only on a very simple and low level. The most common example of operators is Indonesian fishermen who transport migrants from ports in Southern Indonesia to Australia. Despite the local and amateur character of these operations, many of the migrant smugglers have been found to be hired by large smuggling organizations that operate internationally. According to this author, there is increasing evidence that international organized crime groups actively engage in smuggling of migrants to Australia, particularly irregular immigration by air and clandestine arrival of vessels at the east

469 KYLE David and SCARCELLI Marc, “Migrant smuggling and the violence question: evolving illicit migration markets for Cuban and Haitian refugees”, opus cit., p. 11.

470 SCHLOENHARDT Andrea, “Organized crime and the business of migrant trafficking: an economic analysis”, opus cit., p. 32.

coast.⁴⁷¹ According to the same source, these networks simultaneously engage in related offence such as trafficking in persons and drugs.

Similar findings can be found in a 2000 joint report from the AIC and UNICRI; there are several well-established transnational organized crime groups that operate throughout Asia.⁴⁷² The better known of these include the ethnic Chinese *triads*, based largely in Hong Kong but also in many other parts of the world, and the Japanese *yakuza*. According to MacFarlane, ethnic Chinese organized crime groups are involved in the smuggling of migrants and trafficking of persons, particularly from China but also from other countries in the region. Chinese triads and other forms of organized crime have taken over migrant smuggling from smaller organizations, because of the low risk and high profits associated with the activity.⁴⁷³ Members of ethnic Chinese organized crime are said to be stationed at transit points, such as Thailand and Bangkok, and also at destination points, such as Hong Kong, Singapore, Australia and the United States.

In contrast, the research of Chin and Zhang found that most Chinese snakeheads are not part of traditional hierarchically organized crime groups but rather are specialised individuals who come together to form 'temporary business alliances' on an ad hoc basis. However, they also declare that their empirical research was limited by their access only to 'part-time, moonlighting' smugglers who were prepared to participate in the study, rather than more serious and well-organized professionals. In light of this, the authors acknowledge that it is impossible from their research to discount the significance or role of traditional organized crime groups and their relationship with key snakeheads.⁴⁷⁴

According to Adamoli *et al.*, Japanese Yakuza have also been involved in various criminal activities, including migrant smuggling and human trafficking. In addition to the high profile, well-established organized crime operations, there are numerous lesser-known criminal groups operating in every country throughout the region. These groups may cooperate with one another, when it is opportune for them to do so.⁴⁷⁵

According to the UNICRI-AIC report, there are also individuals who operate in the 'grey' area of the law, offering travel, immigration or employment services that facilitate smuggling or trafficking, but that do not themselves constitute criminal conduct. These individuals may have varying degrees of complicity in the smuggling and trafficking processes.⁴⁷⁶ The report thus

471 Ibidem.

472 UNICRI and AIC, Rapid assessment: human smuggling and trafficking from the Philippines, opus cit., p. 6.

473 Mac FARLANE John "How to deal with transnational crimes and migration", 5th Kanazawa Symposium on Northeast Asia, June 1999 quoted in and AIC, Rapid assessment: human smuggling and trafficking from the Philippines, opus cit., p. 6.

474 ZHANG Sheldon and CHIN Ko-Lin, "The characteristics of Chinese human smugglers; a cross national study", opus cit., p. 3.

475 ADAMOLI S., Di NICOLI A., SAVONA E., ZOFFI P., "Organized Crime Around the World", European Institute for Crime Prevention and Control (HEUNI), Helsinki, 1998.

476 UNICRI and AIC, Rapid assessment: human smuggling and trafficking from the Philippines, opus cit., p. 7; Regarding the involvement of organized crime groups in smuggling migrants from the Philippines to Italy, see ARONOWITZ Alexis "Illegal Practices and Criminal Networks involved in the Smuggling of Filipinos to Italy", Executive Summary, UNICRI document, 1999.
http://www.unodc.org/pdf/crime/human_trafficking/Exec_Summary_UNICRI.pdf

reaches the conclusion that although it is clear that organized crime groups are involved in the smuggling and trafficking of human beings from the Philippines, the level and nature of this involvement is not clear.⁴⁷⁷ Given that these sources are relatively old, further research would be needed in order to check whether this information is still relevant and to get a more detailed understanding of this issue.

8.3 Conclusions

Sources reviewed reveal a great disparity in the quantity and the quality of the information available about the organization of smuggling networks. Few regions have been researched—such as the US, Western Europe, Northern and West Africa – and there is often a critical lack of comprehensive and up-to-date research available. Further, the analysis available might be distorted since, in the case of Northern and Western African countries, specific research has not been carried out in the countries themselves and relevant investigative and judicial sources have been collected from European sources. Further research should be developed in order to get a more comprehensive understanding of the organization of smuggling networks operating around the world.

Despite the fact that little research has been carried out on this matter, there is a certain consensus that smuggling networks function according to the ‘enterprise model’ with large numbers of smaller, flexible crime groups or individual criminals that interact when necessary. Whilst the link with mafia and organized crime organizations remains controversial, the research available highlights that increasingly sophisticated networks have replaced small-scale businesses in regions where anti-smuggling law enforcement strategies are particularly robust. It is also interesting to note that where there was no empirical evidence proving the involvement of organized crime groups in smuggling activities, some researchers have stressed this outcome could be the result of the methodological limitations and difficulties to get access to smugglers. Further research should be carried out in order to get a better picture about potential involvement of organized crime groups into criminal activities.

Most researchers have worked on the assumption that smuggling networks are exclusively or mainly composed of men and very little is known about the involvement of women in these networks. The role of women should be more systematically researched. It might also be relevant to look into the role of minors as they might be used by smuggling networks due to the fact that under certain criminal legislations, minors cannot be held responsible and therefore are not punishable for such offenses.

According to the literature reviewed, a limited amount of information is currently available about the role of corrupted government officials in the smuggling process.

477 UNICRI and AIC, Rapid assessment: human smuggling and trafficking from the Philippines, opus cit., p. 16;

9 Modus operandi and Smuggling fees

This chapter reviews recent research literature with regard to the following questions: What are the smuggling methods used by migrant smugglers? How is the process of migrant smuggling organized? How is the payment of the fees organized? What are the costs of migrant smuggling? What determines changes in methods and routes, and in particular, do the main changes in routes and *modus operandi* reflect changes in institutional responses and countermeasures?

9.1 General overview

9.1.1 Typology of *modus operandi*⁴⁷⁸

Research undertaken in different parts of the world by authors like İçduygu, Koser and Schloenhardt shows that organizing migrant smuggling might range from pre-planned, highly sophisticated smuggling operations to very simple smuggling services.⁴⁷⁹ Based on his research involving analysis of several hundreds of court proceedings, police files and interviews with experts, Neske developed three model types of migrant smuggling. This was based on a research project on human smuggling lead by two major academic centres in Europe - the Institute for Migration and Ethnic studies (University of Amsterdam) and the European Forum for Migration Studies (Bamberg University).⁴⁸⁰

Type 1: Ad hoc smuggling services

First of all, individuals travel on their own, mostly legally and by public transport, to a certain point on their journey. Yet, not being in the possession of the necessary document to legally enter the country of destination (or transit), the migrant resorts to the assistance of migrant smugglers for a facilitation of his/her illegal entry during his/her journey. The smuggling process is not pre-organized.

According to Neske, this form of smuggling usually involves men who migrate from Eastern European countries with a low level of education and a lack of prospects in their home countries. Their general living situation means that only small amounts of money can be spent on smuggling. The services of smugglers are thus employed, if at all, only for partial stages of the journey. Primarily, it involves residents of border States who live close to the border and offer their services to smugglers on foot, for example.⁴⁸¹

478 This chapter is largely based on UNODC, A short introduction to migrant smuggling, opus cit., p. 19-24.

479 SCHLOENHARDT Andreas, "Organized crime and migrant smuggling", opus cit., p. 28; KOSER Khalil, "Why migrant smuggling pays", opus cit. ; İÇDUYGU Ahmet and TOKTAS Sule, "How do smuggling and trafficking operate via irregular border crossings in the Middle East? Evidence from fieldwork in Turkey", opus cit.

480 The result of this project has been published in extenso in International Migration, vol. 44 (4) 2006.

481 NESKE Matthias, "Human smuggling to and through Germany", opus cit., p. 139.

According to Jandl, this type of migrant smuggling played a great role after from the end of the Cold War until the beginning and the middle of the 1990s. It still exists in the region but to a lesser extent today.⁴⁸² Similar cases have been described in many other publications such as e.g. Spener for the Mexican-US border, İçduygu, for the Iranian-Turkish border, and Sciortino for the Slovenian-Italian border.⁴⁸³

Type 2: Migrant smuggling facilitated by use of fraudulent documents

A typical example of this type of migrant smuggling is the misuse of visas to facilitate illegal entry or stay – but it can also involve fake or fraudulently obtained passports. UNODC also refers to other forms of facilitating illegal residence such as sham marriages, which is another commonly used technique.⁴⁸⁴ Cases of adoptions by convenience are also mentioned by ICMPD.⁴⁸⁵

Visa smuggling involves a quite different type of migrant smuggling due to the fact, that in those cases, migrants and smugglers do not have any kind of personal relationship. According to the scheme, visas are obtained on fraudulent grounds by the connections that smugglers may have with consulate services known to be more ‘generous.’ After having received their visas, migrants make the entire journey between their countries of origin and destination without any assistance of smugglers. For people who have been issued an individual visa (for example, a business visa), the border controls do not present any problem. In the case of group visas (tourists), where the so-called tourist group neither knows each other nor travels together, problems could occur when checks are made (in the cases examined by Neske, it was only in this way that cases of obtaining visas by artifice were discovered at all); in extreme cases, only two “smugglers” are able to organize the whole smuggling process. Document smuggling primarily involves migrants that have sufficient financial resources and fees are usually paid in advance.⁴⁸⁶

According to Zhang, a key feature of this type of smuggling is the involvement of corrupt government officials. By acquiring government-controlled services that are otherwise unattainable through legal means, migrant smugglers can significantly improve the efficiency of their transportation. Corruption practices target crucial public functions, such as passport inspectors at border checkpoints, clerical staff for passport applications and officials issuing residential registrations or marriage certificates.⁴⁸⁷ Research by UNODC and IOM also stressed

482 JANDL Michael, “Irregular migration, human smuggling and the Eastern Enlargement of the EU”, *International Migration*, vol. 41 n°2, Summer 2007; CERMAKOVA Dita and NEKORJAK Michael, “Ukrainian middleman system of labour organization in the Czech Republic”, opus cit.

483 SPENER David, “Smuggling migrants through South Texas: Challenges posed by operation Rio Grande”, opus cit.; IÇDUYGU Ahmet, “Irregular migration in Turkey”, opus cit.; SCIORTINO Giuseppe, “The irregular immigration industry on the North-East border” pp. 3-31 in MONZINI Paola, PASTORE Ferruccio and SCIORTINO Giuseppe, “Human smuggling to and through Italy”, opus cit.

484 UNODC, A short introduction to migrant smuggling, opus cit., p. 20-21.

485 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 23.

486 NESKE Matthias, “Human smuggling to and through Germany”, opus cit., p. 138ss; IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, opus cit., p. 42; ZHANG Sheldon, *Smuggling and Trafficking in human beings. All roads lead to America*, opus cit. p. 39 and s.

487 ZHANG Sheldon, *Smuggling and Trafficking in human beings. All roads lead to America*, opus cit. p. 101.

the importance of corruption in the smuggling process.⁴⁸⁸

Type 3: Pre-organized stage-to-stage smuggling

According to samples studied by Neske, this form of migrant smuggling organization was used in a substantial number of cases. Many of these cases were about migrant smuggling from South Asia to Western Europe. In such cases, the smuggling process is pre-organized, meaning that the migrants themselves do not have to conduct negotiations with local smugglers during their journey. Despite the fact that every single case involves complex mechanisms, the following pattern was identified.

“Stage coordinators,” a chain of independently but closely inter-acting individuals, carry out the negotiations with the “local service providers” and pay them. “Local service providers” are most often nationals or residents of the transit country and change from stage to stage. Each stage coordinator outsources the actual smuggling activities to either a “local coordinator,” who in turn outsources the actual smuggling to the local service providers, or directly to the local service providers. The migrants conduct most parts of the journey accompanied by local smugglers that change from stage to stage.

According to Neske, there is no “mastermind” or head of an internationally active criminal organization who presides over the whole range of smuggling actions, given the disadvantages of large-scale organizations. From a functional point of view, it would require far too many expenses for one organization to carry out all services along a route that usually covers several thousand kilometres.⁴⁸⁹

In cases of pre-organized smuggling from non-crisis regions, single male and female migrants prevail. Neske identified two sub-types:

- Migrants being smuggled in order to allow them to join already established family or community members in the destination country. Those being smuggled are usually expected in the target country. The smuggling operation is mostly commissioned from the target country. Examples of this kind of smuggling process can be found in research carried out by Van Liempt and Staring about migrant smuggling to the Netherlands;⁴⁹⁰
- Migrants who are sent by their community without pre-existing contacts in the destination country. Usually a family or village community suffering from poor living conditions would commission the smuggling operation. The smuggling fees are often advanced to the smugglers, making the smuggled migrants particularly vulnerable to human trafficking and exploitation in the destination countries. Empirical research carried out by Koser in Afghanistan and Pakistan provides interesting illustrations of this process;⁴⁹¹

In cases of pre-organized smuggling processes from crisis regions, the smuggled migrants

488 See for example UNODC, *Transnational trafficking and the rule of law in West Africa*, opus cit., p. 62; CARLING Jorgen, “Migration, Human smuggling and Trafficking from Nigeria to Europe”, opus cit. p. 17;

489 NESKE Matthias, “Human smuggling to and through Germany”, opus cit., p. 144.

490 STARING Richard, “Facilitating the arrival of illegal immigrants in the Netherlands: irregular chain migration versus smuggling chains”, opus cit., p. 282; VAN LIEMPT Ilse, “The social organization of assisted migration”, opus cit., p. 8-9.

491 KOSER Khalil, “Why migrant smuggling pays”, opus cit., p. 12-13.

usually rely on already existing international contacts and on sufficient financial resources. In such cases, either the whole family or parts of a family were on the move. Countries of origin are usually those which are experiencing crises by virtue of conflict. Destination countries are usually those where the migrants have a good chance of being granted asylum.⁴⁹²

9.1.2 The payment of fees and cost of migrant smuggling

The sources reviewed proved that it is almost impossible to find accurate figures about the cost of migrant smuggling and that there is a general lack of rigour when collecting these figures. The most comprehensive attempt to assess the cost of migrant smuggling from a worldwide perspective was done in 2005 by Petros.⁴⁹³ Based on the analysis of data published by expert and journalistic sources, the study aimed to determine approximate mean costs for the main inter-regional movements around the world, trends in costs and some of their main determinants. The scope of the study covers both migrant smuggling and human trafficking. According to research findings, the cost of the journey for criminal organizations depends on the distance and complexity of the route, on the degree of institutional control of the route, and on the reception of migrants at transit and destination countries. All these variables affect the possibility of success of migration. The research indicates that there are five main determinants of the costs of smuggling and trafficking, namely: the distance travelled, the mode of transport, the number and characteristics of people being moved, and other circumstantial conditions – such as food or physical assistance of migrants. Not surprisingly, the prices appear to increase when the services offered by smugglers exceed simple transportation and cover, for instance, the provision of forged documents.

As acknowledged by Petros herself, this study suffers from two main limitations. First, the study does not distinguish between trafficking and smuggling cases as the sources used did not allow for such a distinction. Second, the lack of rigour in the reporting of the research covered has sometimes made the cost assessment impossible.⁴⁹⁴

These criticisms could be extended to most of the sources reviewed. Often information about costs is presented without giving specific information such as the date and the circumstances of the travel. Sources of information are rarely mentioned and in the case they are, experts quote figures without any proper critical engagement. Readers should keep in mind these limitations as consider the figures quoted as only illustrative. Petros believes that more scientific rigour should be developed in order to “demystify the phenomena of migrant smuggling, combat media and popular misconceptions, properly inform policy-making and opening up this important field to further academic study”.⁴⁹⁵

492 See above paragraph 5.1.3.

493 PETROS Melanie, “The costs of human smuggling and trafficking”, Global Commission Perspectives n°31, April 2005.

494 PETROS Melanie, “The costs of human smuggling and trafficking”, opus cit., p. 16.

495 Ibidem.

9.1.3 Impact of anti-smuggling policies on the *modus operandi* of smuggling organizations

The sources reviewed show a consensus amongst experts and academics that anti-smuggling policies are legitimate and needed, whilst radical theories aiming at abolishing border controls and establishing a universal freedom of movement seem to be fairly marginal.⁴⁹⁶ As restated by Laczko, three main arguments are usually put forward by experts in favour of eradicating the migrant smuggling phenomenon. First, migrant smuggling challenges the capacity of governments to manage migration. Second, migrant smuggling undermines support for legal migration and a country's acceptance of immigrants. Last, it also involves serious risks for the migrants during the journey, but also once the smuggling process is over as they might be exploited in order to pay back the smuggling fees.⁴⁹⁷

However, the literature reviewed shows a relative consensus among experts that counter-measures deployed by destination countries to stem the phenomenon of migrant smuggling have not been fully effective so far.⁴⁹⁸ There are a wide range of opinions about possible alternatives to existing anti-smuggling policies. Authors like Heckmann *et al.* would even go as far as qualifying anti-smuggling policies as “a politically successful failing policy” since those measures have produced a series of unintended, if not counter-productive, effects.⁴⁹⁹

To a certain extent, this problem has also been acknowledged by some international organizations such as the IOM, UNHCR, and the Council of Europe.⁵⁰⁰ For instance, UNODC stresses the need to embed a criminal justice response into overall migration policies: “law enforcement measures alone cannot prevent migrant smuggling. Where not combined with a holistic approach, increased border controls may simply have the result of diverting migrant smuggling routes elsewhere, and of increasing the demand for more risky services. Where migrants are simply returned to their countries of nationality or residence without consideration for the underlying root causes which made them migrate, they may simply attempt to migrate again – perhaps under more dangerous conditions than those endured before. There are

496 See CARLIER Jean-Yves, “Pour la suppression des visas: du pas suspendu du gitan au temps des cigognes; de la libre circulation à la circulation libre”, Institut d'Etudes Européennes, U.C.L. Document 5, 1997.

497 LACZKO Frank, “Opening up channels for temporary migration: a way to reduce human smuggling?” *Journal of International Migration and Integration*, volume 5 n°3, summer 2004.

498 ARONOWITZ Alexis, “Smuggling and trafficking in human beings the phenomenon, the market that drive it and the organization that promote it”, *opus cit.*; DOOMERNIK Jeroen and KYLE David, “Organized smuggling and state control: conceptual and policies change”, *opus cit.*; ICDUYGU Ahmet, “Transborder crime between Turkey and Greece: human smuggling and its regional consequences”, *opus cit.*; HAAS (de) Hein, “The myth of invasion: the inconvenient realities of African migration to Europe”, *opus cit.*

499 HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly, Conference report of the transatlantic workshop on human smuggling, supported by the German Marshall Fund, *opus cit.*

500 IOM, Key Principles for Policy Making on Migration, Climate Change & the Environmental Degradation, available at <http://www.iom.int/jahia/Jahia/about-migration/managing-migration/policy>; UNHCR, “Refugee protection and durable solutions in the context of international migration – Report on the High Commissioner's dialogue on Protection and challenges”, December 2007, PDES/2008/02, April 2008; UNODC, Preventing and combating the smuggling of migrants in Africa: new UNODC initiatives in assisting States in responding to the challenge, May 2008, available http://www.dialogueafricainmd.net/archivos/EN_prevenir_et_combattre_le_trafic_illicite_de_migrants_en_afrique_s.baumeister.pdf; Council of Europe, “The human rights of irregular migrants in Europe”, ComDH/IssuePaper (2007) 1, 17 December 2007.

important push and pull factors which influence a person to become a smuggled migrant. All of them must be addressed in a comprehensive way, based upon a multi-dimensional partnership, which has to involve States, civil society, the academia, the media, state institutions and international organizations.”⁵⁰¹ In its 2004 report, the expert group on trafficking in human beings of the European Commission stated that “states’ policies in promoting restrictions and reducing opportunities for regular migration have not been effective in preventing migration. Rather, they have created a market for irregular migration, often as organized serious crime, through trafficking and smuggling of people”.⁵⁰²

According to de Haas, the current border management system has three main drawbacks.

First, as shown under Chapter 4 and throughout the present chapter, increasing border control has led to a diversification of smuggling routes.⁵⁰³ Empirical research projects – such as the ones on the situation at the US-Mexico borders, or reports about migrant smuggling from Albania, Morocco or West Africa - also highlight that stricter border controls often result in a displacement of smuggling routes, and a diversification of smuggling methods – often at the expense of the safety and lives of the smuggled migrants.⁵⁰⁴ The sources reviewed also frequently highlight that, as a result of more stringent law enforcement strategies, smugglers might use routes or transportation methods that expose migrants to greater physical and psychological dangers.⁵⁰⁵

Second, increasing surveillance has led to a greater sophistication of smuggling methods. In order to circumvent border controls, smugglers have improved their professionalism, flexibility, and tactics.⁵⁰⁶ The services to migrants have been diversified ranging from the planning of the route, to supplying migrants with necessary documents and elaborating successful methods of transfer. Depending on the intensity of border controls and financial resources, smugglers will concentrate their activities on illegal border crossing or alternatively, falsification of documents or trafficking in persons. As already stressed in Chapter 8, the sources reviewed (for Africa, North America or Eastern Europe) show that small-scale smuggling networks have gradually been replaced by or evolved into large-scale sophisticated networks that are better organized and may use greater violence towards migrants.⁵⁰⁷ Authors like Heckmann, Cornelius, Spener and Väyrynen also argue that far from stemming migrant smuggling, stricter border controls have lead to the development of increasingly sophisticated smuggling networks, a view supported by a recent UNODC report about the evolution of migrant smuggling networks in

501 UNODC (2010), Basic Training Manual on Investigating and Prosecuting Migrant Smuggling, p. 11-12.

502 Report of Experts Group on Trafficking in Human Beings, European Commission, Brussels 2004.

503 SPIJKERBOER Thomas, “The human cost of border control”, opus cit.

504 CORNELIUS Wayne A. , “Death at the border: efficacy and unintended consequences of US immigration control policy”, opus cit., p. 671; GUERETTE Rob and CLARKE Ronald, “Border enforcement, organized crime and deaths of smuggled migrants on the United States-Mexico border”, opus cit.; UNODC, “Transnational trafficking and the rule of law in West Africa”, opus cit., p. 62.

505 VAN HEAR Nicholas, “I went as far as my money could take me: conflict, forced migration and class”, Working Paper n°6, COMPAS, University of Oxford 2004. quoted in UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

506 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 22.

507 See supra paragraph 7.2.

West Africa.⁵⁰⁸ Heckmann shows that the increased ‘networkisation’ and professionalization of smuggling networks also lead to a diversification of activities – including visa smuggling and document forgery- thus allowing them to completely by-pass border controls.⁵⁰⁹

A third consequence of border management policies mentioned by some experts is that effective immigration control increases the demand but also the cost of smuggling services. According to Bhabha, extra hurdles simply get passed on as higher transaction costs to the smuggled migrants themselves in the shape of increased smuggling fees and more dangerous border crossing journeys.⁵¹⁰ This view is also supported by Friebel and Guriev who concluded that while stricter border controls appear to decrease overall immigration, they may also result in an increase of debt-financed migration.⁵¹¹ According to Kyle and Liang, the price that “snakehead” smugglers charge to bring migrants from China’s Fujian province to the United States has doubled – from US\$ 28,000 to US\$ 60,000 in 2001.⁵¹² Similar trends were observed in the United States. According to Cornelius, the typical charge to be smuggled across the border to Phoenix (Arizona) in 1999 was \$ 150. By the summer 2000, the fee was \$ 800 - \$ 1300. By mid-2001, smugglers operating in the sector of San Diego were charging \$ 1,200 – \$1,500 per head.⁵¹³

9.2 The *modus operandi* of smuggling networks: a regional perspective

9.2.1 Europe

Modus operandi

With regard to migrant smuggling to Western Europe and the European Union, according to empirical research undertaken by ICMPD and IOM as well as Narli,⁵¹⁴ and Bilger et al.,⁵¹⁵ migrants usually contact smugglers at strategic places with a reputation for such services (e.g. in

508 HECKMANN Friedrich, “Towards a better understanding of human smuggling?”, opus cit., p. 7; CORNELIUS Wayne A., “Death at the border: efficacy and unintended consequences of US immigration control policy”, opus cit.; VAYRYNEN Raimo, “Illegal Immigration, human trafficking and organized crimes”, opus cit.; UNODC, “Transnational trafficking and the rule of law in West Africa”, opus cit., p. 63; SPENER David, “Mexican Migrant-Smuggling: A Cross-Border Cottage Industry”, opus cit., p. 299.

509 HECKMANN Friedrich, “Towards a better understanding of human smuggling?”, opus cit., p. 7

510 BHABHA Jacqueline, “Human smuggling, migration and human rights”, opus cit., p. 32.

511 FRIEBEL Guido and GURIEV Sergei, “Smuggling humans: a theory of debt-financed migration”, 4 J. EUR. ECON. ASS’N 1085 (2006).

512 KYLE David and LIANG Zai, “Migration merchants: human smuggling from Ecuador and China”, opus cit., p. 20.

513 CORNELIUS Wayne A., “Death at the border: efficacy and unintended consequences of US immigration control policy”, opus cit., p. 668.

514 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit.; IOM, “Migrant trafficking and Human smuggling in Europe; A review of evidence with case studies from Hungary, Poland and Ukraine” opus cit.; IOM, “Irregular Migration in Turkey”, opus cit.

515 NARLI Nilufer, “Human trafficking and smuggling: the process, the actors and the victim profile”, opus cit. BILGER Veronika et al., “Human smuggling as a transnational service evidence from Austria”, opus cit.

railway stations, bazaars, coffee shops, etc.). The literature reviewed shows that recruitment of migrants is taking place very openly in certain areas.

In most cases, migrants have undertaken initial land journeys to one of the major “hubs” (city, harbour, refugee camp, etc.) in order to contact a smuggler. Hubs obtain a certain reputation for providing the necessary infrastructure and services to support irregular migration processes, ranging from accommodation to forged documents, job opportunities, information exchange, and contacts with smugglers and migrant communities.⁵¹⁶

According to Bilger *et al.*, opportunities available in these major “hubs” have a great influence on the choice of itineraries of smuggled migrants. Such well-known “hubs” are located, for instance, on the East-West route from the Middle East through the Balkans, Eastern or Southern Europe, and/or the Eastern Mediterranean, with focal points like Dubai, Damascus, Istanbul, Kiev, or Moscow.⁵¹⁷ Despite aggressive advertisement and open competition on the market, Van Liempt and Doormenik show that when choosing a smuggler, the individuals seem to be heavily influenced by past experiences of migrants from the same community.⁵¹⁸ While research published in the early 2000s shows the critical role of cities in the Western Balkans, such as Sarajevo,⁵¹⁹ as smuggling hubs towards Western European countries, the picture in Western Europe has dramatically evolved with the two latest enlargements of the European Union in 2004 and 2007.⁵²⁰ The 2007 ICMPD report confirms the shift of smuggling routes to the new EU Member States (Romania, Bulgaria), although there are still relatively important smuggling hubs in the Balkan region. One also notes that the Greek-Turkish borders remain a major smuggling corridor, with Istanbul as a major European smuggling hub.⁵²¹

The 2009 Frontex agency report shows that smuggling networks have recently adapted their *modus operandi* in reaction to restrictive border management measures. In particular, smuggling networks have been able to increase the quality of look-alike or forged documents, allowing irregular migrants to avoid detection. Second, Frontex observed that more irregular migrants are able to be smuggled to EU Member States hidden in vehicles. The corresponding shift from green border entry *modus operandi* to clandestine entry at border crossing points could be particularly pertinent for the external land borders between Bulgaria, Greece, Former Yugoslav Republic of Macedonia and Turkey. Given the increased likelihood of being returned to Libya, smuggling networks in Libya could be switching their operations from providing boats to focusing more on commercial vessels as the way to enter the EU. More smuggled migrants could

516 BILGER Veronika et al., “Human smuggling as a transnational service evidence from Austria”, opus cit. p. 17.

517 BILGER Veronika et al., “Human smuggling as a transnational service evidence from Austria”, opus cit. p. 76.

518 VAN LIEMPT Ilse and DOORMENIK Jeroen, “Migrant’s agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands”, opus cit., p. 179.

519 MAVRIS Lejla, “Human smugglers and social networks: transit migration through the states of former Yugoslavia”, UNHCR Working Paper n° 72, 2002.

520 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 25

521 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 25; NARLI Nilufer, “Human trafficking and smuggling: the process, the actors and the victim profile”, opus cit. p. 19.

be hidden in ships that are bound for ports in the EU. This new *modus operandi* could be making apprehensions and detections more difficult for law enforcement authorities.⁵²²

The above-mentioned information regarding the recruitment process is fully valid for the Eastern and Central Asian region. It is worth underlining that IOM reports about Georgia, Armenia and Azerbaijan published in the early 2000s show that smugglers had at that time a very aggressive recruitment policy with advertisements in local newspapers.⁵²³ According to Cermakova and Nekorjak, active recruitment also occurs in Ukraine where smuggling organizations offer ‘a full package option’ (trip+ residence permit) with opportunities to find employment on the Czech black labour market. These networks might then be also involved in human trafficking activities.⁵²⁴

According to ICMPD, it was reported that smugglers creatively combine various modes of legal entry continued by subsequent illegal phases of the migration process. *Legal entrance* is facilitated by the use of visas obtained under false pretences, by original passports or by use of false letters of invitation for, study, business or tourist activities. The most important strategies for such legal entry in this regard were reported to be marriages by convenience; inscriptions to universities, applying for refugee status and/or adoptions by convenience.⁵²⁵ According to the IOM, the issue of *mala fide* obtained visas has become especially apparent in the case of Bangladeshi migrants entering Kyrgyzstan. The migrants were advised by smugglers to purposefully state an incorrect aim of their travel.

Regarding illegal entrance, smugglers seem to use all available vehicles, including private vehicles owned by themselves, closed trucks, high speed boats and means of public transport such as trains, buses and ferries.⁵²⁶ As shown in a 2006 IOM report, smuggled migrants from South Asia generally arrive first in Kyrgyzstan and Tajikistan, and then travel further with the help of smugglers through Kazakhstan and Russia, passing through Belarus and Poland to enter Western Europe. The ease with which borders are crossed is often due to the low level and standard of technical equipment and established structures used for detecting illegal border crossing, including the vast possibilities for green border crossing and the already established drug-trafficking routes on the Afghan-Tajik border.⁵²⁷ As shown in Mavris, the sophistication of the modes and equipment of the smugglers has greatly increased over the years. Smugglers possess the latest communication technology in order to be informed of the changing border control measures and to adapt to them. They are very flexible and quickly change their routes depending on the level of restrictive measures. Smugglers are also equipped with the material

522 FRONTEX, “The impact of the global economic crisis on illegal migration to the EU”, opus cit., p. 20.

523 IOM, “Irregular migration and smuggling of migrants from Armenia”, opus cit., p. 20; IOM “Away from Azerbaijan, destination Europe”, opus cit., p. 20; IOM, “Hardship abroad or Hunger at home. A survey of irregular migration from Georgia”, opus cit., p. 5.

524 CERMAKOVA Dita and NEKORJAK Michael, “Ukrainian middleman system of labour organization in the Czech Republic”, opus cit., p. 35.

525 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 23.

526 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 23.

527 IOM (GEMBICKA Katarina), “Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”, opus cit., p. 19.

necessary to make fraudulent documents, such as passports, identification cards, or letters from governments threatening migrant's persecution. In order to execute their operations more smoothly, they often bribe or threaten government authorities to allow smuggling.⁵²⁸

Information about the organization of migrant smuggling in Central Asia – namely Kazakhstan, Kyrgyzstan and Tajikistan – is limited. However, ICMPD and IOM reports include consistent information about the high level of corruption by government officials in Eastern Europe and Central Asia.⁵²⁹ Indeed, it seems that most migrants cross borders at regular check points thanks to *mala fide* obtained documents. Corruption plays a significant role in the facilitation of irregular border crossing, simplified visa issuance process and the lack in the prosecution of smugglers.⁵³⁰ There was no evidence found in the literature reviewed that corrupt officials may take an active part to the process of physical transportation of irregular migrants.

Pricing, mobilizing and paying fees

With regard to migrant smuggling to Western Europe and the EU, the sources reviewed suggest comparatively high price levels regarding smuggling operations with a slight rising tendency.⁵³¹ Costs vary widely depending on factors such as the means of transport used, the level of “guarantees” included, additional services such as forged documents provided, and on whether the whole journey is to be organized by one provider and without any breaks or is to be carried out in stages. Regardless of the precise amount, it is very common that smuggled migrants need to sell property in order to raise the necessary amount of money or have to rely on the use of credit in one form or another.⁵³² This information is supported by the outcome of the empirical research carried out by Koser with migrants from Pakistan and Afghanistan smuggled to the United Kingdom.⁵³³

Despite the very high fees, the migrants are nonetheless able to pay for their travel since some smuggling organizations also offer financial services. According to Pastore *et al.*, the migrants contact an organization with a proposal for investment in their emigration. This organization then assesses if it can realistically expect the repayment of the amount advanced, plus interest, in the time specified. If it takes on these risks, the organization also acquires the right to choose the operator who will organize the journey for the migrant.⁵³⁴

528 MAVRIS Lejla, “Asylum seekers and human smuggling: Bosnia and Former Yugoslavia as a transit region”, opus cit., p. 9.

529 IOM (GEMBICKA Katarina), “Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”, opus cit., p. 21.; See also ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 23.

530 IOM (GEMBICKA Katarina), “Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”, opus cit., p. 21.; See also ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 23.

531 PETROS Melanie, “The costs of human smuggling and trafficking”, opus cit.; ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 24

532 BILGER Veronika et al., “Human smuggling as a transnational service evidence from Austria”, opus cit. p. 70.

533 KOSER Khalil, “Why Migrant smuggling pays”, opus cit., p. 13.

534 PASTORE Ferruccio et al., “Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy”, opus cit., p. 104-105.

According to Pastore *et al.*, another scenario relates to cases where migrants residing abroad want to bring in a certain individual from the country of origin. In this case, the credit organization establishes a fee for this service, which covers both the cost of the journey and its mediation service. This fee covers the whole migratory journey from the country of origin, including stopovers in transit countries and border crossings, up to the time when the agreed amount is repaid. In that case, it is the customer of the organization who chooses the operators who organize the journey. The customer usually agrees to repay the agreed amount providing the journey is successful, but there is also evidence of payment in instalments on some occasions. The risk of non-payment is still possible, however, regardless of a close relationship. A traditional strategy used to overcome this problem is to keep migrants under control after receiving them immediately after the last border crossing, by using them as hostages until the agreed amount is paid. However, this strategy might also be risky for the organization which is vulnerable during time the migrants are kept hostage and jailers are running great risks.⁵³⁵

Regarding Eastern Europe and Central Asia, the fee of smuggling services depends on the distance, on the types of guarantees the smuggler is able to offer, and on the level of convenience of the transfer. According to Neske, in cases of non-pre-organized smuggling of Eastern European migrants, at every stage of the journey which has to be “bought” and where there is only a one-off contact between smuggler and customer, payments are made in cash, almost without exception. However, if payments are made in cash, savings in convertible currencies must be available. In many cases, the cash-payers who want to be smuggled have visited Western countries before and could use their savings. In other cases, the amount was earned during the journey, e.g. by working in the fields, before the next stage of the journey could be bought. “Regular” bank transfers as in the West, are also not uncommon in smuggling businesses, especially at places with the appropriate infrastructure (e.g. in large cities) and in countries with a lesser tradition of private money transactions (e.g. Eastern Europe).⁵³⁶

According to Pastore, a system of guarantee has been developed in order to avoid the risk of non-payment but also to protect the migrants from being taken as hostages. During an investigation into some of the flows from Central Asia, it was discovered that a customer interested in bringing in a fellow countryman would make a deal with an organization to pay the agreed amount to a third party (generally someone running a shop), who would keep the money as a deposit until the immigrant arrived, and then the money would be paid to the organization. If the journey was unsuccessful, the money would be returned to the customer.⁵³⁷

With regard to migrant smuggling to Western Europe and the EU, the sources reviewed show that information about smuggling costs is often incomplete. The figures mentioned below should be handled carefully due to the fact that some of them might be obsolete and it is not always very clear what sources were used and how the calculation was done.

According to Petros, the mean documented cost for movements within Europe - i.e. from Eastern to Western Europe - was \$ 2,708. Russia to Poland was the most expensive reported with a cost of \$ 14,000 in 1998, and Poland to Germany the least at \$28 (in 2000).⁵³⁸ According

535 Ibidem.

536 NESKE Matthias, “Human smuggling to and through Germany”, opus cit., p. 153-154.

537 PASTORE Ferruccio et al., “Schengen’s soft underbelly? Irregular migration and human smuggling”, opus cit., p.105

538 Ibidem.

to figures published in 2002 by İçduygu and Toktas, on average smuggling migrants from Turkey to other Western European countries would cost around US\$ 4,000 and 6,000.⁵³⁹ On average the total cost per person to migrate through Turkey was US\$1,660 in 2002.⁵⁴⁰

The 2007 ICMPD report has gathered some trends and prices. The chart below reproduces a selection of indicative fees paid in 2007.⁵⁴¹

Illustrative examples of smuggling fees in 2007 – source ICMPD

Itinerary	Fees (approximation)
From Albania to get to France, Italy, Germany or Switzerland	3.500 to 6000 euros
From Albania to Greece or to Montenegro, to cross the border on foot	1500 euros
From Albania to Italy	2500 to 5000 euros

From Bosnia-Herzegovina to Italy	About 1 300 euros
From Iraq to Germany	7000 to 14 000 US\$
From Czech Republic to Germany or Austria	Between 1000 and 1500 euros
From Kosovo and from Albania to Slovenia	Between 2 500 and 3000 euros
From Kosovo to Italy	2 400 euros
From Macedonia (FYROM) to Slovenia	Around 1800 euros
From Moldova to Greece	2000 to 3000
From Turkey and Iran to Slovenia	4 650 euros
From Turkey to Bulgaria	Between 1 500 – 2000 euros
From Turkey to Italy	Between 2 500 and 5000 euros

539 İCDUYGU Ahmet and TOKTAS Sule, "How do smuggling and trafficking operate via irregular border crossing in the Middle East? Evidence from fieldwork in Turkey", opus cit., p. 42.

540 Quoted p. 298 in İCDUYGU Ahmet, "Transborder Crime between Turkey and Greece: Human smuggling and its regional consequences", Southeast European and Black Sea Studies, vol. 4 n° 2, May 2004

541 ICMPD, Yearbook on illegal migration, human smuggling and trafficking in Central and Eastern Europe in 2007, opus cit., p. 24.

According to information published by the IOM in 2006, the smuggling fee usually ranges from US\$ 3,000 to 10,000 for transportation from Central Asia to Europe. This cost is divided among the facilitators in the countries of origin, transit and destination of irregular migrants. However, if this amount of money is not paid on time, or if the smuggler decides to keep it, the migrants end up stranded in the region.⁵⁴²

9.2.2 Africa

Modus operandi

Regarding Northern and West Africa,⁵⁴³ the literature reviewed shows that the *modus operandi* of smuggling organizations is highly flexible and has greatly evolved since the early 1990s in order to adjust to law enforcement strategies and to service an ever expanding market. According to Monzini, three distinct evolutionary phases can be distinguished:

- the first phase is characterized by the growth in the professionalization of smuggling organizations, with the passage from occasional organization of crossings to the establishment of new routes;
- the second phase in the life of the smuggling organizations begins with the articulation of new techniques in response to counter smuggling strategies;
- Finally, the last evolutionary phase is marked by the withdrawal of the route when the cost becomes too high for an organization and the process of skills transfer to other geographical areas.⁵⁴⁴

Migrant smuggling by sea from Morocco and Libya has been studied in such a way that allows for a depiction of its evolution. In order to understand how the smuggling market works, it is important to note its adjustments to changing institutional frameworks in the countries of embarkation. Particularly, Coslovi shows how pioneer migrant smugglers who began by organising “single passages” in the 1990s from Morocco were subsequently able to sell “full package solutions”.⁵⁴⁵ These consisted of a complete package to go to Italy or Spain (boat ticket + documents + work permit), at a higher price, offered to urban would-be migrants already aware of the high risk of travelling with *pateras*. In parallel, the same organisations continued to offer their “traditional” *patera* services, which were cheaper and more dangerous, to rural and more “naïve” people.⁵⁴⁶

542 GEMBICKA Katarina, “Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”, opus cit., p. 19.

543 Please note that this paragraph is a summary of information abstracted from UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit..

544 MONZINI Paola, “Sea border Crossings: The Organization of Irregular Migration to Italy”, opus cit., p. 180.

545 COSLOVI Lorenzo, “Biglietti diversi. Destinazione comune. Indagine sul mercato dell'emigrazione irregolare dal Marocco centrale verso l'Italia e la Spagna”, source quoted in UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

546 UNODC, Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

Increasing controls in the Strait of Gibraltar led to a process of diversification of services and an enlargement of international and national networks of smugglers in Morocco. Other examples collected by Coslovi show how Moroccan migrant smugglers made contacts with smugglers in Libya and with counterfeiters in order to defend themselves from stricter controls in the Strait of Gibraltar.⁵⁴⁷ According to Coslovi, Moroccan migrant smugglers are also able to offer false documents and ferry tickets to Spain, or alternatively, false documents and access to Ceuta, at higher costs. Cheaper trips consisting of migrants departing in containers, or hidden in a truck, are also sold; this system requires the compliance and corruption of border guards.⁵⁴⁸

The latest information published by UNODC shows that even boat trips have evolved recently, since *cayucos* and *pateras* have been replaced by much faster inflatable rubber boats able to carry 70 passengers at time.⁵⁴⁹ Monzini has also reported the existence of a combined trip from Morocco that includes transport by car to Casablanca airport, the flight to Tripoli, and transport by car to the departure point in Libya.⁵⁵⁰

A similar evolution of migrant smuggling in Libya has been observed, comprising both the increase of Libya's importance as a hub for migrant smuggling and a process of professionalization of the smugglers. Initially, in the early 1990s, spontaneous passages to Sicily were organized from Tunisia by migrants themselves, and Italian authorities paid no attention to their arrival. As in Morocco, smugglers progressively created a market for these passages and recruited professional sailors to transport migrants to Sicily and sail the boats back. After this was suppressed at the end of the 1990s, Tunisian smugglers moved the embarkation points to Libya. When in 2002 and 2003 the Italian police arrested dozens of sailors, usually of Tunisian origin, on Italian shores, the smugglers began to send boats to Lampedusa without professional sailors.⁵⁵¹ Gradually Libyan smugglers took over the business.⁵⁵² Investigations in Italy have demonstrated that while, until a few years ago, only "single crossings" were sold in Libya,⁵⁵³ now some smugglers are capable of offering "full-package" solutions, including, at times, assistance in Italy upon leaving the detention centres for irregular migrants.⁵⁵⁴ According to these findings, for the "full-package" migration trip to Italy, the sum of 3,000 euro is requested in Libya in two payments: 1,500 euro to the Libyan organizers at the moment of departure, with the remaining 1,500 euro paid by relatives in Italy when the trip is determined to have been successful. In Milan, research based on interviews with police officers and analysis of judicial files found important ties between smugglers and the

547 COSLOVI Lorenzo, "Biglietti diversi. Destinazione comune. Indagine sul mercato dell'emigrazione irregolare dal Marocco centrale verso l'Italia e la Spagna", source quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

548 Ibidem.

549 UNODC, "Transnational trafficking and the rule of law in West Africa" opus cit., p. 62.

550 MONZINI Paola, "Il traffico di migranti per mare verso l'Italia. Sviluppi recenti (2004-2008)", Working paper CESPI, n° 43, 2008, source quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

551 MONZINI Paola, "Sea border Crossings: The Organization of Irregular Migration to Italy", opus cit., p.

552 MONZINI Paola, "Il traffico di migranti per mare verso l'Italia. Sviluppi recenti (2004-2008)", opus cit.

553 PASTORE Ferruccio et al., "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", opus cit., p. 112.

554 COLUCELLO Salvatore and MASSEY Simon, "Out of Africa: the human trade between Libya and Lampedusa", Trends in Organized Crimes, 2007 vol. 10, pp. 77-90.

forgers who issue fictitious documents on demand in order to regularize a migrant's status.⁵⁵⁵

The statements made by migrants recorded in the files of the Agrigento court in Sicily confirm that contact with Libyan or Tunisian intermediaries takes place in certain bars or in the market. In the outskirts of Tripoli, migrants are crowded into houses in the countryside for days or weeks, with armed guards to keep them in order and ensure secrecy while they await embarkation. Afterwards, the migrants are taken to the coast at night in small buses which have been completely emptied of seats and are thus able to carry 50 to 60 persons at a time. The passengers are then loaded onto small boats and transferred to fishing boats waiting at anchor, or taken directly onboard in small ports.⁵⁵⁶ Descriptions included in the literature reviewed show the extremely perilous nature of such trips, as the 'pilot' is usually one of the passengers who is given a compass and some general directions to follow.⁵⁵⁷

In the case of migrant smuggling by land from Sub-Saharan Africa to North Africa, the length and complexity of the journeys mean that migration is usually divided into several stages. Each stage can involve several days of travel. Smuggling arrangements are generally described as being small-scale and locally organized: the *passeurs* are always persons who really know the territory. Moreover, individual migrants typically rely on their communities living abroad for assistance and rarely pay a single price for their entire journey.⁵⁵⁸ According to the survey conducted in Morocco in 2002, travels are usually very long: 83.7% of migrants interviewed transited through more than one country, and 21% of them passed through 4-6 different countries. It should be noted that according to information collected by Mghari from sub-Saharan migrants living in Morocco, women tend to travel longer and to transit through more countries than men.⁵⁵⁹ The survey commissioned in 2002 by the International Labour Organization mentions that the duration of the stay in Morocco could be up to 2 years.⁵⁶⁰

Reviewed literature on migrant smuggling from West Africa to North Africa highlights that the first important step is to reach the "doors" of the desert. With this aim, migrants travel on their own, or pay for all-inclusive transportation services offered in all big capital cities. According to de Haas, Agadez is located on a historical cross-road of migration itineraries, which often follow revived sections of older trans-Saharan and Sahelian (caravan) trade routes and which have now extended to all over the Sahel zone and deep into Western and tropical Africa.⁵⁶¹ According to Barros *et al.*, it is quite easy to travel in the region. Migrants from West Africa such as Burkina Faso, Côte d'Ivoire, Ghana, Togo or Benin usually travel via Niger's capital Niamey. Migrants from Nigeria, Congo and other central African countries cross through Nigeria, usually after

555 COLUCELLO Salvatore and MASSEY Simon, "Out of Africa: the human trade between Libya and Lampedusa", opus cit., p.

556 MONZINI Paola, "Sea border Crossings: The Organization of Irregular Migration to Italy", opus cit., p. 177; HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 49-52.

557 HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 52.

558 COLLYER Michael, "Clandestine migration in the Mediterranean in 2006", in *Mediterranean yearbook*, IEMED, at <http://iemed.org/activitas/2008/migracions/amigracionsicanvis.ph>

559 MGHARI Mohamed, "L'immigration subsaharienne au Maroc", CARIM Analytic and Synthetic Notes 2008/77.

560 BARROS Lucile et al., "L'immigration irrégulière subsaharienne à travers le Maroc", opus cit., p. 27.

561 HAAS (de) Hein, "The myth of invasion. Irregular migration from West Africa to the Maghreb and the European Union", opus cit., p. 18.

regrouping in certain cities in Northern Nigeria.⁵⁶² For travel by private mini-bus, the passage is always paid in advance. Some passengers already fix the deal with transporters in Gao or Agadez by e-mail or by telephone before their departure.⁵⁶³ While sources reviewed indicate that some refugees and migrants coming from the Horn of Africa - in particular Eritreans and Ethiopians - take a direct route from their place of origin to Libya, breaking their journey with just a few days at a time, Hamood notes that it is now more common for them to spend a period of time in transit, usually in Khartoum (Sudan), before finally arriving in Libya.⁵⁶⁴ During this time in transit, many work and some even marry, remaining there for an average of one to two years before moving on. In the case of Sudanese nationals, Hamood notes that many of them had moved within Sudan, away from their home towns and villages, before deciding to leave their country of origin for Libya and/or Europe.⁵⁶⁵

The second step is the desert crossing, which is very difficult and dangerous. Here, almost all migrants have to establish contacts with middle-men so as to continue the journey and travel with drivers who know the routes and are able to avoid detection. Migrants have first to trust the middle-men who arrange their travels, and second to rely on the drivers of pick-ups and trucks, which travel for days, usually passing through several hubs. Descriptions of migrant smuggling operations in the desert between Sudan and Libya show that the vast majority of trips, as described by respondents, are riddled with problems. According to Hamood, the basics of food and water are severely rationed due to the lack of space on the truck. Migrants' testimonies reveal that transportation occurs under very difficult conditions. Usually, a convoy of two or three overcrowded vehicles travels for an average of about 10 days. The journeys are often prolonged for several reasons. Vehicles often break down and in some instances, passengers described the driver getting lost.⁵⁶⁶

In-depth research on the *modus operandi* of smugglers in the desert, and their evolution is lacking, but some interesting information has been collected through studies on some "hubs" of irregular migration.⁵⁶⁷ ICMPD has outlined the importance of hubs on the Eastern routes where smugglers recruit, gather or transfer their 'clients' to other brokers.⁵⁶⁸ Hubs are defined as "strategic transit places along the migration routes that provide migrants with the necessary infrastructure and services to continue their migration journey".⁵⁶⁹

Pricing, mobilizing and paying fees

562 BARROS Lucile et al., "L'immigration irrégulière subsaharienne à travers le Maroc", opus cit., p. 24.

563 ISSA Harouna, Study of Migration in the Agadez Urban Commune, Regional Directorate for Gender Promotion and Child Protection, Agadez Region, Republic of Niger, May 2007 quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

564 HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 44.

565 Ibidem.

566 HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 45-46.

567 See in particular BONI Tanella, "L'Afrique des clandestins", opus cit.; BENEDUCE Roberto, "Undocumented bodies, burned identities: refugees, sans papiers, harraga: when things fall apart", Social Science Information, vol. 47 n°4, 2008, pp. 505-527; DANIEL Serge, Les routes clandestines. L'Afrique des immigrés et des passeurs, opus cit.

568 ICMPD, "East Africa Migration Route Initiative, Gaps and Needs Analysis Report, Country reports: Ethiopia, Kenya, Libya", opus cit., p. 28

569 P. 24 in ICMPD, The East Africa Migration Routes Report, 2007.

In recent years, according to different sources, such as Lutterbeck, Collyer, and Khacani, smuggling routes have become more risky and at times expensive.⁵⁷⁰ According to Monzini, the strengthening of police controls and border patrols are increasing the risks of interception for smugglers, who need to invest more in corruption and means of transportation in order to successfully manage their business. As a result, prices for the services of smugglers are increasing.⁵⁷¹ With regard to migrant smuggling from West to North Africa, Barros *et al.* and de Haas consider corruption as one of the main variables in establishing prices of the journeys.⁵⁷²

It is interesting to note that prices are usually standardized but can differ according to different nationalities. According to de Haas, in 2003 the price for a sea crossing from Morocco to Spain was USD\$200-500 for Moroccan nationals, USD\$800 for francophone Sub-Saharan African, and USD\$1,200 for Anglophone Sub-Saharan Africans.⁵⁷³ According to a survey carried out by Mghari with sub-Saharan migrants in Morocco, it appears that smuggling fees are usually higher for women than for men.⁵⁷⁴ The survey does not provide any qualitative explanation for that phenomenon, but the author of the review feels that one explanation might be women's vulnerability and weak bargaining position.

In North and West Africa, the method of payment is generally cash.⁵⁷⁵ Nevertheless, a specific study on how payments of migrants to smugglers are made in North African countries does not exist. Coslovi found that payments in some cases were not all paid in advance, but partially made upon arrival.⁵⁷⁶ In Morocco, those who belong to the local community have the right to a repeat attempt with a single fare price. This offer, however, is not valid for "stranger" migrants buying passage at the embarkation points, who may only buy a single travel opportunity. However, only sporadic evidence has been collected on these kinds of arrangements and it is not possible to define a systematic use of standardised forms of payment.

According to Mghari, the majority of migrants have used their personal savings to finance their trip (up to 65%). While 74% of men benefited from the financial support of their family, this was the case for only 58% of the women. Only 23% of the total of migrants interviewed had recourse to a proper loan.⁵⁷⁷ Interestingly enough, Hamood mentions that there is a real sense of community and solidarity among foreign nationals, which enables the less fortunate to travel.

570 LUTTERBECK Derek, "Policing Migration in the Mediterranean", opus cit.; COLLYER Michael, "States of insecurity: consequences of Saharan transit migration", opus cit.; KHACHANI Mohamed, "La migration clandestine au Maroc", Analytic and Synthetic Notes 2008/50, Irregular Migration Series, 2008

571 MONZONI Paola, "Migration: Human Rights of Irregular Migrants in Italy", opus cit., p. 12-13.

572 HAAS (de) Hein, "The myth of invasion. Irregular migration from West Africa to the Maghreb and the European Union", opus cit., p. 25; BARROS Lucile et al., «L'immigration irrégulière subsaharienne à travers et vers le Maroc », opus cit.

573 HAAS (de) Hein, "Irregular Migration from West Africa to the Maghreb and the EU: An overview of recent trends", opus cit., p. 18.

574 MGHARI Mohamed, "L'immigration subsaharienne au Maroc", opus cit, p. 9.

575 MGHARI Mohamed, "L'immigration subsaharienne au Maroc", opus cit.

576 COSLOVI Lorenzo, "Biglietti diversi. Destinazione comune. Indagine sul mercato dell'emigrazione irregolare dal Marocco centrale verso l'Italia e la Spagna", source quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

577 MGHARI Mohamed, "L'immigration subsaharienne au Maroc", opus cit, p. 10.

Those without sufficient funds to pay for the trip are sometimes helped by those who are financially better off, apparently without any expectation of remuneration.⁵⁷⁸

Regarding Northern and West Africa, current literature presents some data regarding the amount of money that migrants pay in order to travel irregularly, by land, sea or by air. However, data is scattered, and the evidence collected on prices and on methods of payment is scarce.

According to the 2009 UNODC report, the boat trip from the West African coast to the Canaries cost between US\$ 600 and US\$ 1,200 in 2006. The land leg from West Africa to North Africa is said to cost about US\$ 2 500, and the sea voyage from North Africa to Lampedusa another US \$ 2500 or so. Based on these prices and the estimated shares taking each route, the total intake in 2008 for successful migrants would be about US\$ 75 million. If only half of those paying to be smuggled actually arrived, the total figure could be as high as US\$ 150 million.⁵⁷⁹ Yet, prices may vary enormously:

- passage from Lagos to Gao can cost US\$1,000 including all expenses and the fees paid by drivers to local police officials as bribes;⁵⁸⁰
- a combined trip from Casablanca via air to Tripoli, transport by car to the departure point in Libya and the sea voyage to Italy can add up to around 4,000 Euro;⁵⁸¹
- the cost of a journey from an African transit point to a European airport using forged documents can be around US\$7000.⁵⁸²

9.2.3 Americas

Modus operandi

Regarding Northern America, as already mentioned, the literature reviewed mainly focuses on first, smuggling networks operating from China to the United States and second, on networks operating across the US-Mexico border.

Literature published by US authorities shows that Mexican smuggling networks may be growing in sophistication. Federal State and local law enforcement officials are witnessing a growing nexus between the Mexican drug cartels, illegal alien smuggling rings and US-based gangs. The migrant smuggling networks that operate along the border in the US Southwest cannot move their human cargo through drug cartel-controlled corridors without paying a fee.⁵⁸³ As an example frequently quoted by the sources reviewed, the Mexican drug cartel Los Zetas - also involved in migrant smuggling – reportedly include ex-Mexican military officers trained by the

578 HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 50.

579 UNODC, "Transnational trafficking and the rule of law in West Africa" opus cit., p. 66.

580 DANIEL Serge, *Les routes clandestines. L'Afrique des immigrés et des passeurs*, opus cit, p. 27

581 MONZINI Paola, "Il traffico di migranti per mare verso l'Italia. Sviluppi recenti (2004-2008)", Working paper CESPI, n° 43, 2008, source quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

582 MONZINI Paola, "Sea border Crossings: The Organization of Irregular Migration to Italy", opus cit., p.166.

583 House Committee on Homeland Security, "A line in the sand: confronting the threat at the Southwest Border", opus cit., 14.

US Special forces in counter-narcotics. US investigations have reported evidence that migrant smuggling organizations have access to very sophisticated military equipment such as body armour, fully automatic weapons, night vision equipment and encrypted radios.⁵⁸⁴ FBI information published in 2005 indicates that Los Zetas are becoming systematically involved in corruption of Mexican government officials. The Zetas wield their control over the movement of people across the border through an elaborate network of spies, checkpoints and use of sophisticated technology. Some of those networks are deepening their roots in Texas cities, including Houston and Dallas, with the help of gang members.⁵⁸⁵

When it comes to the *modus operandi* of Chinese smuggling networks facilitating illegal immigration into the United States, the literature reviewed suffers from two limitations.

First, the literature has been mainly produced by two authors - namely Zhang and Chin through empirical research carried out both in the United States and in China (for further details see *supra* 3.2.2).

Second, it should also be noted that Zhang and Chin's information about the methods for smuggling migrants from China to the United States was initially published in 2002 and some of the information included below might therefore be obsolete. Information published by Zhang in 2007 seems to be based on the outcome of the 2002 study and does not include any new information. Further research would thus be needed to update current knowledge and assess recent evolutions, if any.

According to Zhang and Chin, several unique characteristics distinguish the operational organization of Chinese migrant smuggling.⁵⁸⁶

- First, transactions in migrant smuggling are mostly, if not all, based on verbal agreements between partners. Payment between smuggling partners is always made in cash, and the amount is rarely disputed. In most cases, smuggling operations are uneventful despite some sensational news coverage of botched smuggling operations and torture of irregular migrants;
- Second, contrary to traditional organized crime organizations, violence towards fellow snakeheads by other smugglers seems to be rare.⁵⁸⁷ As already discussed under 7.2.3.1, the quasi- absence of muscle power largely explains the relatively important presence of women in a market where the connections of an individual matter more than the ability or willingness of that individual to use violence;⁵⁸⁸
- Third, because of the risk of arrest, snakeheads have developed several strategies to manage uncertainties inherent to the business. These mechanisms include ethnicity

584 CRS Report for Congress, "Border Security: Apprehensions of "Other than Mexican" Aliens", opus cit., p. 21.; House Committee on Home Land Security, "A line in the sand: confronting the threat at the Southwest border", opus cit., p. 24.

585 House Committee on Homeland Security, "A line in the sand: confronting the threat at the Southwest Border", opus cit., 17; CRS Report for Congress: "Border security: apprehensions of "other than Mexican" aliens", opus cit.

586 ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit., p. 755-758.

587 ZHANG Sheldon, Smuggling and trafficking in human beings. All roads lead to America, opus cit., p. 100.

588 ZHANG Sheldon, CHIN Ko-Lin, MILLER Jody, "Women's participation in Chinese transnational human smuggling: a gendered market perspective", opus cit., p. 724.

- (linguistic ancestry, familial relationship), dyadic business relationship, underground banking, mobile telecommunications and spontaneous meeting locations;
- Fourth, the collusion of Chinese government officials is essential to the success of the smuggling process. In the majority of cases, the corrupt officials occupy low level but crucial government functions (border checkpoints, passport applications, and residential applications);
 - Fifth, the system is based on temporary alliances within a limited circle of family members and acquaintances that dissolve once their purpose has come to an end. In comprehensive research on the Sister Ping case - a famous smuggler involved into the smuggling of more than 3000 Chinese to the US and mastermind of the *Golden Venture* case - Sein shows that smugglers usually operate within a limited, albeit well-connected, circle of associates or friends.⁵⁸⁹

Pricing, mobilizing and paying fees

Information reviewed shows the existence of fairly sophisticated payment systems linked to migrant smuggling to Northern America. Chin and Zhang have traced back the various methods designed to facilitate the transactions and avoid problems in payment and service delivery.⁵⁹⁰ A common method seems to be the opening of a joint account that will require both signatures to withdraw the money. Alternatively, a snakehead can open a bank account to deposit the agreed amount of money and then give the passbook to the collaborating partner but not the associated password. Without the password, the partner cannot withdraw the money, but neither can the depository snakehead make a withdrawal without the passbook.⁵⁹¹ Such bank transactions rarely raise any suspicion since China is still mostly a cash-only society, and its booming economy involves rapid financial activities. Furthermore, because most smuggling operations take months, if not years (such as fraudulent marriages), these deposits are usually long term and hence are less visible to any official scrutiny.⁵⁹²

The actual cost of smuggling migrants from China to the United States seems to vary greatly according to the smuggling methods used. In 2002, an all-inclusive package including forged documents and a direct flight from China to New York City or Vancouver cost US\$ 55,000 per person.⁵⁹³ According to interviews carried out by Chin and Zhang, smugglers would spend approximately US\$ 15,000 on bribery.

Regarding the US-Mexico border, it seems that prices have considerably increased since the early 1990s. As shown by Cornelius, an unattended consequence of the stricter US border policy is that the fees charged by smugglers doubled between 1993 and 1998, reaching US\$ 1000.

589 SEIN Andrew, "The prosecution of Chinese organized crime groups the Sister Ping case and its lessons", opus cit., p. 167.

590 ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit.

591 ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit., p. 755.

592 ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit., p. 756.

593 ZHANG Sheldon and CHIN Ko-Lin, "Enter the dragon: inside Chinese human smuggling organizations", opus cit., p. 751.

Prices further increased to around US\$ 1500 per head in the aftermath of September 2001 and related immigration measures.⁵⁹⁴

9.2.4 Asia

Modus operandi

Information about smuggler's *modus operandi* in East Asia and Pacific is scattered – except for the case of China (please see 9.2.3 information about the *modus operandi* of Chinese smugglers). Due to the lack of research available, the current paragraph is mainly based on a study published by Schloenhardt for the Australian Institute for Criminology in 1999.⁵⁹⁵ Information should thus be handled carefully as it might be obsolete. Comprehensive research would be greatly needed in order to up-date existing data.

Regarding the recruitment process, journalistic sources used by Schloenhardt show evidence that smugglers have an active recruitment policy towards migrants - including by providing misleading information about the possibility to get a secure job in the destination country or to be granted a residence permit through regularization programmes.⁵⁹⁶ Media sources also report that some of the persons smuggled to Australia were recruited in refugee camps in Pakistan.⁵⁹⁷ The diaspora seems to play an essential role in “promoting” irregular migration and recruiting smugglers that have proved to be reliable.

The organization of transport seems to be sophisticated and migrant smugglers sometimes provide coaching to migrants in how to avoid border controls, answer immigration officers or law enforcement agencies if they get questioned or detained, and claim asylum in destination countries.⁵⁹⁸ Given the risks of detection and arrest for the smuggling organizations, Schloenhardt reports that violence is used to control and maintain order among the migrants as well as among employees.⁵⁹⁹

Documents forgery is also a central element of the smuggling process. Smuggling organizations show a high level of sophistication and variety of ways in which they obtain or produce the necessary documents. The major ways include photo-substitution, visa transposing, and producing forged visas, residence permits and passports. Investigations have also found that blank passports are stolen from passport-issuing authorities or provided by corrupt officials. In

594 CORNELIUS Wayne A., “Death at the border: efficacy and unintended consequences of US immigration control policy”, opus cit., p. 668.

595 SCHLOENHARDT Andreas, “Organized crime and migrant smuggling. Australia and Asia-Pacific”, opus cit.

596 KENNEDY and METHERELL, “Call to stop people smugglers”, Sydney Morning Herald, 12 April 1999; TANNER and SAUNDERS, “Minister’s message to China”, The Australian, 7 June 1999 quoted in SCHLOENHARDT Andreas, “Organized crime and migrant smuggling. Australia and Asia-Pacific”, opus cit., p. 40

597 Mc CARTHY, “ new cargo cult produces a new entrepreneur”, Sunday Age, 2 September 2001 quoted in SCHLOENHARDT Andreas, “Organized crime and migrant smuggling. Australia and Asia-Pacific”, opus cit., p. 40.

598 SALT John and STEIN Jeremy, “Migration as a business: the case of trafficking”, opus cit., p. 483.

599 SCHLOENHARDT Andreas, “Organized crime and migrant smuggling. Australia and Asia-Pacific”, opus cit., p. 46.

order to meet visa requirements migrant smugglers also issue fraudulent business invitations from non-existent companies in destination countries.⁶⁰⁰

Information about smugglers' *modus operandi* in South and West Asia is also scattered. Of the sources reviewed, only two provide information about smugglers' *modus operandi* in that region: one about India (Tamil Nadu),⁶⁰¹ and another one about Afghanistan and Pakistan. Although the information obtained through empirical research programs are a valuable contribution to the state of knowledge about migrant smuggling, the author of that review was not able to provide a comparative analysis and the current paragraph merely compiles relevant information abstracted from these sources. Readers should also be aware that data on Afghanistan and Pakistan were collected in 2003 and 2004 and thus might be partially obsolete, given the overall evolution of the situation in that region. Information about Tamil Nadu was collected in 2006 and 2007.

According to sources reviewed, it was found that the recruitment process was usually based on an agreement with the migrants' families or communities. As already mentioned in chapter 5, families have a great influence on the choice of the country of destination and the smuggling networks. Interestingly enough, in both cases, members of the diaspora play a significant role in the smuggling *modus operandi* since families usually resort to the same smugglers or smuggling network.⁶⁰² In the Indian province of Tamil Nadu, it has been observed that agents operate under the guise of travel or recruitment agencies. Agents are able to carry on their business without any hindrance from the local law enforcement authorities and civil society.⁶⁰³

In both cases, smugglers have recourse to forgery of documents to ensure successful migrant smuggling. Evidence collected in Tamil Nadu shows that agents have recourse to many different techniques – including use of forged Indian or foreign passports, photo and/or jacket substitution in Indian and foreign passports, forged foreign visas and the exchange of boarding cards in security areas.⁶⁰⁴ Law enforcement officials report that the quality of the forgery is remarkable, leading Saha to conclude that smuggling of migrants is carried out by highly sophisticated networks.⁶⁰⁵

In Afghanistan and Pakistan, smugglers would arrange a passport with the required visa. While Afghan and Pakistani passports were the easiest to obtain, some smugglers also reported obtaining passports of other nationalities, including British passports. Passports and visas were reported to be obtainable through theft or bribery, or they were forged. Depending on the

600 IOM background paper to the Seminar on Irregular Migration and Migrant Trafficking in East and South East Asia, Manila, 5-6 September 1996 quoted in SCHLOENHARDT Andreas, "Organized crime and migrant smuggling. Australia and Asia-Pacific", opus cit., p. 47.

601 UNODC, Smuggling of migrants from India to the UK and in particular to the UK a study on Tamil Nadu, opus cit.; KOSER Khalil, "Why migrant smuggling pays", opus cit.

602 UNODC, Smuggling of migrants from India to the UK and in particular to the UK a study on Tamil Nadu, opus cit, p. 28; KOSER Khalil, "Why migrant smuggling pays", opus cit., p. 15

603 UNODC, Smuggling of migrants from India to the UK and in particular to the UK a study on Tamil Nadu, opus cit, p. x.

604 UNODC, Smuggling of migrants from India to the UK and in particular to the UK a study on Tamil Nadu, opus cit, p. 35.

605 UNODC, Smuggling of migrants from India to the UK and in particular to the UK a study on Tamil Nadu, opus cit, p. 34.

nationality and quality of the passport and visa, a necessary second step in departing Pakistan was often to bribe airline and airport officials. It is reported that staff at all three stages of scrutiny - the check-in counter, upon entering the departure lounge, and directly before boarding the flight - were bribed not to scrutinise passports and visas too closely.⁶⁰⁶

Pricing, mobilizing and paying fees

Sources reviewed did not include relevant information about East Asia and the Pacific. Information available about South and West Asia show that sophisticated methods of payment have been developed that may include guarantees against cheating or a re-imburement system in case of failure to reach the country of destination.

In the case of Tamil Nadu, it is interesting to note that the agents are under the “obligation” to refund the smuggled migrants. If not, the migrants will file a complaint with the police who will register a case of cheating against the sub-agents and the agents. Cheating is very difficult to establish in the absence of any documentary proof of payment of money and, as a result, the sub-agents, even if arrested, are released by courts within a short period. While the law enforcement authorities manage to take action against the sub-agents, most of the agents in Chennai and other places escape any action.⁶⁰⁷

In the case of Afghanistan and Pakistan, payment is made in full in advance of migration to a third party, rather than directly to the smuggler himself. For instance, in Peshawar, the third party may be a moneychanger, or occasionally a jeweller. The third party would issue a formal receipt to the potential migrant, his or her family and the smuggler. The money would then only be released to the smuggler once the migrant’s family confirmed to the third party that the person had arrived safely – normally having received a telephone call from the destination country.⁶⁰⁸

Information about smuggling costs in East Asia and Pacific is old, scattered and predominantly draws on interviews with migrants. According to figures published in 1999 by UNICRI and AIC, Filipinos pay between US\$ 1500 and US\$ 3500 for the illegal passage and up to US\$ 500 to gain illegal entry to Malaysia or Indonesia. In 2000, migrants from Myanmar paid approximately A\$ 30 for clandestine transportation to Malaysia, and about US\$ 75-150 to get across the border to Thailand. On average, Thai migrants would pay US\$ 1240 to get to Singapore. Figures for smuggling to Australia seem to be much higher. In 1999, Somali migrants paid up to A\$ 3000 per capita to be smuggled to Australia, while in 2000 people from Afghanistan, Iraq and Iran paid between A\$ 6000 and A\$17 000 to fly from Pakistan to Malaysia and between US\$ 1 500 and US\$ 5000 each to be smuggled from Malaysian to Indonesian ports to Australia. In 2001, illegal migrants apprehended in Cambodia had paid US\$ 5-10 000 each to go to Australia.⁶⁰⁹

Information about smuggling fees in South and West Asia is scattered. According to information published by UNODC in 2009, the cost of smuggling migrants from the province of Tamil Nadu to Europe has substantially increased in recent years as a result of stricter enforcement but also

606 KOSER Khalil, “Why migrant smuggling pays”, opus cit., p. 19.

607 UNODC, Smuggling of migrants from India to the UK and in particular to the UK a study on Tamil Nadu, opus cit, p. xi.

608 KOSER Khalil, “Why migrant smuggling pays”, opus cit., p. 13-14.

609 SCHLOENHARDT Andreas, “Organized crime and migrant smuggling. Australia and Asia-Pacific”, opus cit., p. 72.

because the demand is far greater than the smugglers' capacity. Indeed, it seems that smugglers only smuggle a few people at a time in order not to generate suspicion amongst the law enforcement authorities. Most irregular migrants who have been smuggled to the UK have paid between US\$ 12 000 and US\$ 15 000.⁶¹⁰

Koser offers detailed information about the cost of smuggling fees in 2004 from Pakistan via various routes that are reproduced below in the chart.⁶¹¹ Once payment in full has been deposited with a third party, smugglers usually obtain passports and visas from an intermediary or forger, for a price of around US\$ 2000 depending on the nationality of the passport and the quality of any forgeries. A further US\$ 5000 is additionally paid to airline and immigration staff at the airport.⁶¹²

Costs for smuggling from Pakistan via various routes (2004)	
Routes	Costs (US\$)
<u>Direct flights</u>	
USA and Canada	17 000 - 20 000
UK	13 000 - 14 000
EU mainland	9 000 - 10 000
<u>Indirect flights</u>	6 000 - 12 000 depending on the transit country
<u>Flight then overland</u>	
UK	4 000
EU mainland	3 000
Source: Field data (2004)	

610 UNODC, Smuggling of migrants from India to the UK and in particular to the UK a study on Tamil Nadu, opus cit., p. 35.

611 KOSER Khalil, "Why migrant smuggling pays", opus cit., p. 12.

612 KOSER Khalil, "Why migrant smuggling pays", opus cit., p. 15.

9.3 Conclusions

Together with the organizational structure of smuggling networks, the issue of *modus operandi* has attracted the great interest of specialised agencies and the academic community. However, the literature reviewed only allows a partial assessment of the *modus operandi* used by smuggling networks around the world. Indeed, whilst the status of knowledge covers North America and Europe well – and to some extent Northern and West Africa - there is comparatively little information about the rest of the world.

The information compiled shows the complexity and sophistication of smugglers' *modus operandi*, in particular with respect to document forgery and parallel banking systems, allowing migrants to have access to fairly expensive services. However, according to sources reviewed, the information currently available is still very limited. Following the model designed by researchers such as Koser and Pastore, studies about payment of smuggling fees should be developed.

If feasible, further research would also be needed on the role of corrupt government officials in the smuggling process in origin, transit and destination countries. In particular, greater attention should be paid to potential cases of corruption in the consulate services of destination countries.

10 The human and social costs of migrant smuggling

The purpose of this chapter is to review literature with regard to the human cost of migrant smuggling according to the main methods of transport: migrant smuggling by land and sea. There is no information available about the human cost of migrant smuggling by air in the accessible literature. Literature is also reviewed with regard to the social cost of migrant smuggling, in particular with regard to the impact of migrant smuggling on the migrants themselves, their families and communities.

10.1 The human cost of migrant smuggling

The literature reviewed is highly critical of the law enforcement strategy currently deployed at the maritime borders of the EU, which is deemed to be both inefficient in preventing irregular migration and inhumane towards the migrants. According to Spijkerboer, increased border controls have led to the loss of more lives, and further tightening of the EU external borders will intensify this trend.⁶¹³ Heckmann stresses that improved border control measures have contributed to establishing a low-cost segment of migrant smuggling where smugglers endanger the health and lives of the smuggled migrants.⁶¹⁴ This opinion is shared by many authors like Carling, Monzini, Eylemer and Şemşit, just to name a few.⁶¹⁵

Smuggling by sea has attracted great media attention over the last decade. Whilst this phenomenon has decreased in the United States after the *Golden Venture* case in 1993 – see paragraph 4.2.1. on the American routes - it has dramatically increased in Europe, in particular in the Mediterranean sea. Although numerically inferior, migrant smuggling trends across the Channel between Calais and Dover have also attracted great media and political attention.

Sources reviewed agree on the fact that the rising number of deaths of migrants seeking to reach Europe by sea is a serious humanitarian problem. In 2004, ICMPD estimated that almost 10,000 persons had died in the last 10 years trying to cross the Mediterranean Sea.⁶¹⁶ Since the beginning of the 90s, APDHA (Asociación Pro Derechos Humanos Andalucía) calculated that more than 4,000 migrants had drowned seeking to land in Spain.⁶¹⁷ Fargues argues that

613 SPIJKERBOER Thomas, "The human costs of border control", opus cit., p. 127.

614 HECKMANN Friedrich, "Towards a better understanding of human smuggling", opus cit., p. 7.

615 CARLING Jorgen, "Unauthorized migration from Africa to Spain", opus cit., p. 23 ; MONZINI Paola, "Sea-border crossings: the organization of irregular migration to Italy", opus cit., p. 164; EYLEMER Sedef and SEMSIT Sühal, "Migration-security nexus in the Euro-Mediterranean relations", opus cit., p. 60.

616 Source quoted by UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

617 Source quoted by UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

mortality rates on the sea route to Spain have been on the increase since 2001, and the rate is now around two persons out of every hundred. In conjunction with tightened controls, routes to Europe have become increasingly dangerous. Migrant smugglers have therefore invented longer and riskier routes.⁶¹⁸ It is to be noted that the NGO, 'United', keeps a register of people who have died at the EU borders which is based on press clippings and it is fairly detailed as to the number of deaths, identities and sources – including people who committed suicide pending deportation. According to United, 7182 deaths were documented at the European borders between 1993 and 2006.⁶¹⁹ Testimonies of migrants smuggled by ship between African and European shores have revealed that most trips take place in overloaded and poorly equipped boats that are often not supplied with enough fuel.⁶²⁰ The risk of shipwreck is further increased by the fact that boats are often driven by the passengers themselves who only get very basic instructions from the smugglers.⁶²¹

Whilst media attention and the bulk of the available literature focuses on the situation in the Mediterranean sea, it should be stressed that the human cost of migrant smuggling by sea seems to be also very high in the Gulf of Aden where migrants and refugees try to reach Yemen from Djibouti and Somalia. As already reported under 5.2.2., the travelling conditions are so harsh that the mortality rate has been assessed by Médecins Sans Frontières to be at least 5%.⁶²² Organizations such as UNHCR and IOM also reported numerous cases of severe ill-treatment perpetrated by smugglers during the journey, including cases of homicides where migrants - including children - were thrown overboard.⁶²³ The level of violence and harassment seem to be so high that cases of suicides were reported to the MSF researchers.⁶²⁴

In Africa, according to information collected through interviews, travels through the Sahara desert are extremely harsh. At their arrival in Italy after the boat crossing, sub-Saharan African migrants often remember their journey across the desert as being the most dangerous part of their odyssey.⁶²⁵ Hamood wrote that journeys are carried out using large lorries in convoys of up to 160 people, or more expensively, in minibuses for 25-30 people. The jeeps, vans and trucks which cross the desert are always overloaded, and it is common that someone falls off and is left behind in the desert. At the borders, payments to corrupt officials and violence are routine. Besides having to face thirst, hunger and hypothermia, the migrants also have to defend themselves against well-organized groups of bandits. Journeys often end tragically: dozens of abandoned wrecks of lorries have been found in the desert.⁶²⁶

618 FARGUES Philippe, Working Paper, CARIM, 2008 quoted in UNODC, "Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications", opus cit.

619 SPIJKERBOER Thomas, « The human costs of border control », opus cit., p. 136.

620 MONZINI Paola, "Migration: Human Rights of Irregular Migrants in Italy", opus cit., p. 14.

621 HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 52.

622 Médecins sans Frontières (MSF), No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden, opus cit. p. 4.

623 Mixed Migration Task Force (co-chaired by UNHCR and IOM), Update n°8, August 2009.

624 Médecins sans Frontières (MSF), No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden, opus cit. p. 18.

625 MONZINI Paola, "Migration: Human Rights of Irregular Migrants in Italy", opus cit., p. 14.

626 HAMOOD Sara, "African transit migration through Libya to Europe: the human cost", opus cit., p. 43-44.

Similar details can be found in the literature dealing with the odyssey of migrants trying to cross the US-Mexico border. With the launch of Operation Gatekeeper in 1994, the overall objective of American immigration authorities was that the intensified controls would discourage many migrants from attempting the journey across the border because of the additional physical difficulty, and the increased financial and psychological costs of the journey.⁶²⁷ According to Scharf, this policy has resulted in a substantial increase in deaths at the border.⁶²⁸ Whilst there are no figures available, it has been assessed that 1 out of 10 persons may die during their journey, this rate being 5 out of 10 in remote areas.⁶²⁹ Literature published recently reveals that the human cost of migrant smuggling has become heavier with the involvement of drug cartels in migrant smuggling activities. Reports from law enforcement authorities and testimonies of migrants show that most migrants suffer from severe psychological and or physical abuse - including cases of torture and death - during their journey. Sexual abuse of women seems to be almost systematic.⁶³⁰

Regardless of the regional specificities, a common feature of the literature currently available about smuggling of migrants by land is the extreme vulnerability of women, who often experience inhumane and degrading treatment, including physical harassment, rape and sexual exploitation. As already mentioned under 5.1.3, cases where women were “offered” to abandon their children for illegal adoption in order to pay their smuggling fees were documented by Daniel in West and Northern Africa.⁶³¹ Further research about the human cost of migrant smuggling should systematically include a gender perspective and further explore the link between migrant smuggling and human trafficking in women and children.

Future research should also focus on the fate of unaccompanied minors who use the services of smugglers in order to join their family or to migrate independently. The information included in that review is based on reports about the United States, Belgium and Spain. Sources reviewed highlight the precarious situation of unaccompanied minors who are extremely vulnerable to criminal groups of smugglers because they do not have the protection of a parent or a caregiver.⁶³² Testimonies consistently reveal severe abuse during the smuggling process and this category of migrants seems to be particularly vulnerable to exploitation and trafficking once the smuggling process is over.⁶³³

627 SCHARF Daniel, “For human borders: two decades of death and illegal activity in the Sonoran desert”, opus cit., p. 144.

628 Ibidem.

629 GUERETTE Rob, “Immigration policy, border security and migrant deaths: an impact evaluation of life-saving efforts under the border safety initiative”, *Criminology and Public Policy*, volume 6 n°2 2007.

630 US House Committee on Homeland Security, Subcommittee on Investigations, “A line in the sand: confronting the threat at the Southwest border”, opus cit., p. 17; see Report of the Special Rapporteur on the human rights of migrants, 25 February 2008, opus cit.

631 DANIEL Serge, *Les routes clandestines. L’Afrique des immigrés et des passeurs*, opus cit. p. 9 and p. 173.

632 DERLUYN Ilse and BROEKAERT Eric, “On the way to a better future: Belgium as a transit country for trafficking and smuggling of unaccompanied minors”, opus cit., p. 46.

633 UEHLING Greta Lynn, “The international smuggling of children: coyotes, snakeheads, and the politics of compassion”, opus cit., 840; DERLUYN Ilse and BROEKAERT Eric, “On the way to a better future: Belgium as a transit country for trafficking and smuggling of unaccompanied minors”, opus cit., p. 50; SENOVILLA HERNANDEZ Daniel, “Mineurs isolés étrangers en Espagne: une réponse juridique et institutionnelle conforme à la Convention internationale des droits de l’enfants?”, opus cit.

10.2 The social costs of smuggling⁶³⁴

In the reviewed literature, very little information exists on the social costs of migrant smuggling, with the sole exception of Africa. The high failure rate of internal journeys in Africa, revealed in current literature, seems to indicate that, in many situations, migration can drain local resources and leave the country of origin and the communities of co-nationals abroad still more impoverished than before. An in-depth study of this would be a useful contribution to current research. Most migrants depart with the savings of their family and loans from friends, making their migration a long-term investment. Moreover, when finding themselves in difficulty during the course of the trip, they ask for more money and often have it transferred in order to pay for later stages of the journey. The sums, for the country of origin, are often very high and dry up the family economy for years. Therefore, according to Beneduce, in recent decades the geography of migration has changed, and the geography of humanitarian problems recently associated with irregular migration (poverty, exploitation, segregation and abuse) is changing as well. Many of the migrants, or asylum seekers, caught between the economic demands of the smugglers and a permanent fear of being arrested and deported by the authorities, are impoverished and become “stranded”.⁶³⁵

As Doornik, Van Liempt and Dowd have pointed out, the role of smugglers seems to be an important one in the formation of a “stranded” population of migrants.⁶³⁶ According to Dowd, most stranded migrants have engaged the services of smugglers. In many cases, smugglers steal their money, force them to pay more than they agreed upon or abandon them with no choice but to pay other smugglers to continue their journey. Many migrants are then forced to return home to a worse economic situation than before they left, or are obliged to stay abroad with an irregular status.⁶³⁷ These failed migrations, combined with the cases of death, arrest, and illness of the migrant, make the social costs of irregular migration in Africa significant. The higher the risk posed to the migrants’ lives, the higher the social costs for their community of origin.

634 Please note that this chapter is based on UNODC, “Migrant Smuggling in, from and through North Africa. A thematic review and annotated bibliography of recent publications”, opus cit.

635 BENEDUCE Roberto, “Undocumented bodies, burned identities: refugees, sans papiers, harraga: when things fall apart”, opus cit.

636 DOORNIK Jeroen and Van LIEMPT Ilse, “Migrants’ agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands”, opus cit.; DOWD Rebecca, “Trapped in transit: the plight and human rights of stranded migrants”, opus cit.

637 DOWD Rebecca, “Trapped in transit: the plight and human rights of stranded migrants”, opus cit., p. 15.

10.3 Conclusions

Whilst a new consciousness appeared recently in literature on the increasing social and human costs associated with smuggling of migrants, it is to be noted that the quantity and quality of information available in the sources reviewed varies greatly from one region to another. There is literature about the human cost of migrant smuggling related to the United States (in particular regarding the situation at the Mexican border) and to Europe (in particular on the situation in Southern Europe, and to some extent on Northern and Western Africa). By contrast, the literature available about other countries and regions provides only very limited information about the human cost of migrant smuggling. It is particularly striking that migrant smuggling between China and the United States is described as a business relationship with little attention paid to its human dimension.⁶³⁸

When available, data and information on the degree of suffering and the incidents of death among migrants are collected by journalists and NGOs. Other human rights issues associated with smuggling methods and irregular migration are better reflected in literature. Still, more substantial research should be conducted on this topic. As already mentioned in the conclusions of chapter 5, gender-sensitive research should be further developed as testimonies of female migrants have revealed the extreme vulnerability of women during the smuggling process.

Future research about unaccompanied minors should also be developed in order to get a more precise picture of the human cost of migrant smuggling within that target group. Similarly, more in-depth research is needed on the social cost.

638 In particular see the literature produced by ZHANG and KO-LI Chin already reviewed under Chapters 5 and 6.

11 Annex 1

Annotated Bibliography

ANDRIJASEVIC Rutvika, “Lampedusa in Focus: Migrants caught between the Libyan desert and the deep sea”, Policy Documentation Centre, *Center for Policy Studies Research Papers*, Central European University, Budapest, 2006, available at: <http://www.policy.hu/news/Andrijasevic-FA>

This article gives an overview of smuggling trends between Libya and Italy and the different proposals that were put forward by European Union states in order to stem the flows of irregular migrants and deter migrants smuggling. In particular, the paper looks closely at the Libyan polices. It also looks at a proposal put forward by the United Kingdom, and supported by a coalition of EU Member States, to process asylum claims outside the EU territory in processing centres located in the Mediterranean region and in Eastern Europe. Highlighting the severe human rights violations occurring during the interception, detention and deportation of migrants, the author invites policy makers to reflect about necessary alternatives to law enforcement strategies.

ANDRIJASEVIC Rutvika, “Renounced responsibilities: Detention, expulsion, and asylum at the EU’s southern border of Libya and Lampedusa”, Centre for Policy Studies – Open Institute Research Papers, Central European University, Budapest, 2005, available at : <http://www.policy.hu/news/Andrijasevic-ps>

This paper presents an overview of events and policies implemented in Lampedusa and Libya respectively, and it outlines the contentions surrounding these policies. It uses material provided by the Italian authorities, European institutions and NGOs and examines the schemes developed by the Italian and Libyan Governments to control the influx of irregular migrants and asylum seekers into Italy. The paper recommends that in guiding the EU’s partnership with its neighboring states in the field of asylum, borders and immigration transparency, accountability and legitimacy are key principles.

ANTEBY-YEMINI Lisa, « Migrations africaines et nouveaux enjeux de la frontière israélo-palestinienne », Cultures & Conflits, hiver 2008, Frontières et logiques de passage, available at : <http://www.conflits.org/index17307.html>

This article examines how the Egyptian-Israeli border, crucial for Israel in terms of security, has become in the space of a few years a point of clandestine passage towards Israel for migrants and asylum-seekers mainly originating from Africa. The Bedouin smugglers play a role in these crossings, which generate a border economy perpetuating the old informal and illegal trade

routes still controlled by the region's Bedouin populations. After a brief discussion of 'border violence' in this context, the article moves on to describe how the Israeli authorities have developed systems of control, surveillance, and detention.

ANTONPOULOS Georgios and WINTERDYCK John: "The smuggling of migrants in Greece: an examination of its social organization" *European Journal of Criminology*, February 2007

Drawing on a variety of information sources, such as interviews with the police, official statistics, informal interviews with migrants in the country, and interviews with two retired migrant smugglers, this article examines the social organization of migrant smuggling in Greece. It gives some detailed information about the pull and push factors of the smuggling phenomenon in Greece; the division of duties within smuggling groups; recruitment and payment; the means and the routes taken by smugglers.

ARAB Chadia and SEMPERE SOUVANNAVONG Juan David, "Les jeunes *harragas* maghrébins se dirigeant vers l'Espagne : des rêveurs aux 'brûleurs de frontières' », *Migrations et Société*, vol. 21 n° 125, Sept-Oct 2009, pp. 191-206

This article offers a sociological analysis of the *harragas* – the migrants that "burn the borders" by using the service of smugglers. Looking at the great diversity of profiles of the migrants that use the service of smugglers to reach Spain from Morocco, this article provides an original analysis of the decision-making process made by the migrants. It also looks at external factors such as the pressure coming from the community, but also socio-economic conditions prevailing in home countries, that push migrants to embark on a migration journey. The authors also look closely at the logistics of the smuggling process and how boat journeys are carefully prepared by smugglers. Overall, this article provides some useful background information on the social cost of migrant smuggling.

ARONOWITZ Alexis, "Smuggling and trafficking in human beings: the phenomenon, the markets that drive it and the organizations that promote it", *European Journal on Criminal Policy and Research*, summer 2001, vol. 9, p. 163-195

This article defines the concepts of smuggling and trafficking in human beings and discusses the difficulties in applying the definitions. The magnitude and scope of the problem is examined as well as its causes. Trafficking and smuggling in human beings are respectively analyzed as illegal markets, particularly with reference to their relationship with other illegal markets and the involvement of organized crime groups. The phenomena are discussed in more depth focusing on countries and regions where projects have been implemented under the auspices of the United Nations. The discussion closes with an overview of situations which facilitate the practice, and current measures and recommendations to stem migrant smuggling and human trafficking.

ARONOWITZ Alexis “Illegal Practices and Criminal Networks involved in the Smuggling of Filipinos to Italy”, *United Nations Interregional Crime and Justice Research Institute*.

http://www.unodc.org/pdf/crime/human_trafficking/Exec_Summary_UNICRI.pdf

This research was part of a larger project on migrant smuggling and trafficking in human beings from the Philippines, carried out under the auspices of the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the United Nations Centre for International Crime Prevention (CICP). The focus of the research was to determine certain aspects of migrant smuggling and trafficking between the Philippines and Western Europe including methods of recruitment, transportation, use of fraudulent documents, deception and exploitation, routes, corruption and the involvement of organized criminal groups.

BARROS Lucile, LAHLOU Medhi, ESCOFFIER Claire, PUMARES Pablo, RUSINI Paolo, « L’immigration irrégulière subsaharienne à travers et vers le Maroc », *programme des migrations internationales*, ILO, 2002

The authors analyze irregular migration trends through and towards Morocco. While the first chapters look in details at the push factors for immigration in Sub-Saharan countries neighboring Morocco, the second chapter provides with detailed information about the migrants’ profiles and motivations, the smugglers organization and modus operandi and smuggling routes. This chapter is the result of a series of interviews done with smuggled migrants and provides valuable knowledge of the smuggling phenomenon in Morocco. The final chapters look at the Moroccan migration legal framework and the migratory partnership developed with the European Union.

BENEDUCE Roberto, “Undocumented bodies, burned identities: refugees, sans papiers, harraga: when things fall apart”, in *Social Science Information*, vol. 47 n°4, 2008, pp. 505-527

Taking an anthropological approach, the author reflects on refugees and clandestine immigrants, and in particular on the fractured structure of their narratives. The author argues that the attitudes of social workers involved in clandestine migration and refugee issues reveal unconscious attitudes characteristic of meeting with the ‘Other’ which also convey the contradictions, racism, and hypocrisy of our policies and governments. The author finally discusses the scenarios of death, violence and apartheid that characterize the day-to-day life of many undocumented immigrants, and invites academic researchers not to take for granted such descriptive terms as ‘clandestine’, ‘refugees’, and so on.

BHABHA Jacqueline, “Human smuggling, migration and human rights” in *International Council on Human Rights Policy, Migration: Human Rights Protection of Smuggled Persons*, Geneva 25-26 July 2006

This interim research paper provides an overview of the five concept papers produced within the framework of a comprehensive project of the International Council on Human Rights Policy on the issue of the Human Rights protection of smuggled persons from the perspective of international law, and a sample of destination and source countries. The author looks at the

human rights issues that arise in relation to human smuggling, and suggest where the human rights framework should inform a comprehensive policy approach on migration in general and human smuggling in particular. Bhabha examines the difficulties for competent state authorities to assess the smuggling phenomenon amongst the flow of irregular migration. She also highlights to implement the definitions provided under the Migrant Smuggling and the Trafficking in Persons Protocols. Second, the paper looks at the inadequacy of the policies developed for combating human smuggling and at the existing gaps and challenges. In its conclusion, the report puts forwards some suggestions for a human-rights centered approach to the issue of trafficking.

BILECEN Basak: “Human smuggling networks operating between Middle East and the EU: evidence from Iranian, Iraqi and Afghani migrants in the Netherlands”, *COMCAD Working Papers* n° 62 2009, Centre on Migration, citizenship and development

This article focuses on human smuggling between Middle East into the European Union, especially the Netherlands. Iran, Iraq and Afghanistan are the chosen countries from the region since there are increasing numbers of asylum seekers in Europe. The article briefly looks at different perspectives in the literature and then concentrates on the involvement of transnational organized crime in the process of human smuggling.

BILGER Veronika, HOFMANN Martin and JANDL Michael: “Human Smuggling as a Transnational Service industry: Evidence from Austria”, *International Migration* vol.44 n°4 2006

According to this authors, this paper presents a new approach to the understanding of human smuggling processes. Based on insights gained through in-depth interviews with smuggled migrants in Austria as well as broad range of other sources, the authors explain how the phenomenon of human smuggling can be understood as a transnational service industry linking service providers (human smugglers) with their clients (smuggled migrants). The paper explores how certain aspects of this peculiar service industry, in particular the nature of incomplete information prevalent in the market, lead to a variety of risk-reduction strategies pursued by smuggled migrants, who put a high premium on a “good reputation” and “trustworthiness” of human smugglers. These factors, together with other criminal activities such as trafficking in human beings or the smuggling of illicit goods, call for new approaches in tackling challenges.

BONI Tanella, “L’Afrique des clandestins”, in *Social Science Information*, Vol.47 (4), 2008, pp. 681-696

This article looks at migrants smuggling and irregular migration from three different perspectives. First, Boni looks at the profile of the migrants and the role of their communities in the decision making process. Further, the author argues that emigration is not only pushed by economic constraints, it has also become progressively a collective ideal for younger generations despite of the great physical dangers. Second, Boni looks at the counter-smuggling strategies implemented by EU member States – in particular Spain – and argues that these policies are counter-productive. Last, she looks at intra-regional migration flows in Africa with Gabon, Ivory Coast and South Africa featuring as main destination countries.

BUCKLAND Benjamin, “Human trafficking and smuggling: crossover and overlap”, pp. 137-166 in FRIESENDORF Cornelius (ed.), *Strategies against human trafficking: the role of security sector*, Study Group Information, Geneva, 2009

Buckland argues that the trafficked person described by the Trafficking in Persons Protocol represents an ideal type that only captures a small percentage of those in need of international protection. This article is divided into three parts. In the first part, the author looks at the trafficking of people and smuggling of migrants as they are currently conceptualized, as well as the way both state and non state actors have sought to approach them. Buckland then examines how the two phenomena may both crossover and overlap. In the second part, he looks at the possible factors that have led to crossover and overlap not being widely reflected by current policy. Finally, the article looks at the consequences of current policy and the negative side effects for refugees and asylum seekers. He also provides constructive proposals for providing a better protection to all categories of people crossing international borders.

CARLING Jorgen, “Unauthorized Migration from Africa to Spain”, pp. 3-37 in *International Migration*, vol. 35, October 2007

This article examines the patterns and dynamics of transit migration towards the Spanish-African borders, and of unauthorized migration across these borders. The geography of migration is examined in detail, and this leads to several conclusions with implications for migration management. First, the origins of sub-Saharan African transit migrants in Morocco are remarkably diverse. Second, cities and towns far beyond Europe play a pivotal role in the migration dynamics at the Spanish-African borders. Third, the Strait of Gibraltar itself has lost much of its importance as a crossing point. Fourth large-scale smuggling to the Canary Islands directly from West Africa is still marginal in numerical terms, but, according to the author, it represents a worrying scenario.

CARLING Jorgen, “Migration, Human Smuggling and Trafficking from Nigeria to Europe”, *International Organization for Migration Research Series* n° 23, 2006

This report analyzes Nigerian migration to Europe. The report gives a detailed insight of the Nigerian society before turning to the migration scenario looking both at trafficking and smuggling phenomenon. The author argues that although existing research and documentation on Nigerians in Europe concentrate on prostitution, trafficking and criminal activities, the great majority of Nigerian immigrants in Europe who lead their lives without any contacts with such activities are ignored. He then describes the migration process which for many Nigerians travelling to Europe without a valid passport and visa leads through a third country where the forgery is not as easily detected. Others travel by road through the Sahara and are smuggled into Europe by ship. Many thousands of Nigerians are stranded in North Africa and elsewhere in their unsuccessful attempt to reach Europe.

**CLANDESTINO Undocumented Migration; Data and Trends Accross Europe
Research Project Funded by the European Commission, DG RTD, FP6,
2007-2009
<http://clandestino.eliamep.gr> (country reports and research briefs), and
<http://irregular-migration.hwwi.net> (database)**

This research demonstrates how irregular migrants in the European Union (EU) are fewer than assumed. While the European Commission has estimated between 4.5 and 8 million foreign nationals residing in its territory without a right to legal residence, a detailed review of the situation in the member states has currently lead CLANDESTINO researchers to estimate that the range is more likely between 2.8 and 6 million. Both figures were calculated for the year 2005. The project, funded by EU, has made available information collected in a new database on irregular migration produced by five European research centers and a European non-governmental organization on its web site in February 2009. It has created a classification scheme for estimates on irregular migration.

**CERMAKOVA Dita and NEKORJAK Michael “Ukrainian middleman system of
labour organization in the Czech Republic”, *Tijdschrift voor Economische
en Sociale Geografie* – 2009, vol. 100, n°1, p. 33-43**

According to the authors, since the early 1990s, due to increasing immigration to the Czech Republic, a middleman system has been established in order to organize (irregular) labor of migrants mostly from Ukraine. Due to its extent, the breadth of activities involved and interconnection with Mafia structures, this system is relatively specific and plays a significant role within the labor migration environment. This system has two hierarchic levels, the first of which deals with the procurement of irregular migrant labor. The second level is based on the relations between middlemen and organized crime. The paper tries to explain the causes for the establishment of the middleman system of labor organization, to describe its operation, and the roles and mutual links among individual actors.

**CHAREF Mohammed and CEBRIAN A. Juan, « Des Pateras aux cayucos: dangers
d'un parcours, stratégies en réseau et nécessité de passeurs », *Migrations
et Société*, vol. 121, n°125, Sept-Oct. 2009, pp. 91-114**

While generally analyzing irregular migration flows between Northern Africa and Spain, this paper focuses on the specific role of smugglers during the migrants' journey. From the recruitment in smuggling hubs to the specific organization structure of the smuggling networks and their *modus operandi*, this paper provides valuable insight knowledge of the smuggling process. The article also provides details about the migrants-smugglers relationship but also between the various actors involved in the smuggling process. Finally, it questions the validity of existing anti-smuggling strategies and calls for better protection of migrants' rights.

**COLLYER Michael, “Clandestine migration in the Mediterranean in 2006”, in
Mediterranean yearbook, Iemed, at
<http://iemed.org/activitas/2008/migracions/amigracionsicanvis.php>**

The author criticizes the image of ever-growing numbers of “illegal migrants” crossing the Mediterranean Sea and provides the reader with data and information on policies at play,

highlighting the high degree of risk for migrants and the lack of legal channels for labor migration. The article collects and analyzes data on apprehensions in Spain, explaining main trends on the arrivals of migrants to the Canary Islands. It is also remarked that only 5% of migrants arrived in Spain by boat in 2006. The efforts made by African and European authorities to approach the problems posed by irregular migration through organizing meetings and increasing cooperation in migration control are presented.

COLLYER Michael, “States of insecurity: consequences of Saharan transit migration”, *working paper n° 31*, COMPAS, University of Oxford, 2006

This paper presents new evidence from research with undocumented migrants in Morocco. Their extended stays in transit countries have increased their vulnerability to hunger, illness and racketeering from other migrants all exacerbated by inconsistent treatment from border control officials who frequently lack accountability to any human rights standards. The first section considers the geopolitical context, investigating recent policy developments and the growing literature on immigration in Morocco. The following section relates the research sample to what is known of the total population of undocumented migrants in Morocco, followed by an examination of experiences during the journey. The fourth section explores the survival strategies of migrants in Morocco for extended periods of time in a context of tremendous insecurity.

COLUCCIELLO Salvatore and MASSEY Simon: “Out of Africa: the human trade between Libya and Lampedusa”, *Trends in Organized Crimes*, 2007, Springer publishers

This article examines the nature of criminality involved in people smuggling and trafficking with specific reference to the sea route between Libya and the Italian island of Lampedusa. According to the authors major operations conducted by the Italian anti-mafia unit and the state police suggest transnational criminal organization of the trade. The networks involved in this trade, however, do not conform to mafia-like hierarchical organizations but rather smaller, more complex and fluid criminal networks. The article aims to cast light on how people are smuggled and trafficked. The background to the rise in illegal immigration from Libya is sketched underlining the ‘push’ and ‘pull’ factors involved in the human trade. The article’s chief objective is to provide a greater understanding of the mechanisms and processes involved in smuggling and trafficking.

CORNELIUS Wayne A., “Death at the border: efficacy and unintended consequences of US immigration control policy”, *Population and Development Review*, vol. 27 n. 4, December 2001, pp. 661-685

This study offers an analysis of the US law enforcement strategies – such as ‘El Paso’ initiative, operations ‘Hold-the-Line’ and ‘Gatekeeper’ - implemented in the US in order to stem migrant smuggling. According to the author the baseline approach of the immigration naturalization service (INS) relies on a “prevention-through-deterrence-approach”. Overall, the study argues that this strategy has failed and had numerous unwanted consequences. Based on a quantitative analysis of the number of aliens apprehended at the US Southern Borders, the author provides evidence that there has been a rechanneling of the flows of illegal migrants but no significant decrease in alien smuggling and irregular immigration overall. Further, the study looks at the

impact of the US law enforcement strategy on the considerable increase of the physical risks and costs associated with illegal entry.

COURAU Henri, “Tomorrow Inch Allah, chance!”; People smuggler network in Sangatte”, *Immigrants and Minorities*, vol. 22 n°2-3, July-November 2003, pp. 374-387

1. According to the author, migrant smuggling network prospers. Organized crime of this type runs from Western Europe through Central Europe into even the smallest village in the Middle East. The Sangatte reception centre near Calais is the last stop before the migration journey to England. The article is based on empirical research carried out by the author in the Sangatte centre. It offers insight knowledge about the recruitment of the smuggled migrants by networks, the motivation and profiles of migrants, the journey to France and how smugglers operate within the Sangatte centre in order to “help” migrants to reach United Kingdom. Further, the author discusses the post-Sangatte situation as the centre was closed down in 2002 whilst the city of Calais remains a major smuggling hub.

DANIEL Serge, *Les routes clandestines. L’Afrique des immigrés et des passeurs*, ed. Hachette, 2006

The book is a reportage on about migrant smuggling and journeys of irregular migrants from different countries of West Africa to North Africa and eventually to Europe. The author is a journalist who travelled for months, during 4 years, along these routes, moving with the migrant themselves. The book depicts the migrant smuggling process. The migrants’ motivations, expectations, precarious livelihoods and relationships with smugglers are described in details. The description of main smuggling hubs, which are located in the desert and in North Africa towns, provides insight into the social organization of transit migration.. The book presents information on the way smugglers act and are able to move persons across borders and it outlines the emergence of a large number of “transit migrants”, marginal people who are rejected by origin, transit and destination countries at the same time.

DAVID Fiona and MONZINI Paola, “Human smuggling and trafficking: a desk review on the trafficking in women from Philippines”, United Nations International Crime and Justice Research Institute (UNICRI) and Australian Institute of Criminology, doc. A/CONF.187/CRP.1, April 2000

This document reflects existing studies and documents on smuggling and trafficking, especially women, as well as some results of the Centre for International Crime Prevention and United Nations Interregional Crime and Justice Research Institute Start Up Mission held in Manila during July 1999, as part of a pilot project. After outlining the main smuggling and trafficking issues within the region, the document considers the state of existing knowledge with respect to transnational organized crime and smuggling and trafficking activity in the Philippines.

DERLUYN Ilse and BROEKAERT Eric, “On the way to a better future: Belgium as a transit country for trafficking and smuggling of unaccompanied minors”, *International Migration*, vol. 43 n° 4 2005

This study provide insight into the population of unaccompanied minors caught in Belgium travelling irregularly to the UK. The authors use the situation in Zeebrugge, one of Belgium's main ports, as a case study. They analyzed 1,093 data files of unaccompanied minors intercepted in Zeebrugge, and carried out participatory observation at the shipping police station. Almost all unaccompanied minors are convinced they want to reach the UK to create a better livelihood, join a family member, or escape a difficult political situation. Nevertheless, most travel in difficult circumstances; are scared; and lack essential information about life in the UK, their possibilities in Belgium, what will happen if they are transferred to a centre, and so forth. This study puts forward recommendations for legal authorities and service providers about the necessary physical and psycho-social care and the availability of an interpreter and social worker during the interception, the number of reception places and the care in these centers, and the tasks of the legal guardian. Finally, some limitations of the study are mentioned.

DOOMERNIK Jeroen and KYLE David, “Organized Migrant Smuggling and State Control: Conceptual and Policies changes”, introduction to ‘*Special issue of the Journal of International Migration and Integration*’, volume 4 n° 3, 2004.

This article looks in particular at the effect of restrictive migration policies on the development of “migration merchants market”. Smugglers are conceptualized as intermediary structures that link countries of origin and destination and lead to a rapid increase in the number of migrants in some areas where finding jobs is easy. Beyond the stereotype of migrants smuggling analyzed as a “slavery” type of industry, the article looks at the different profile of migrants that resort to the service of smugglers, who are a mix of people both with altruistic and profit-making goals. Finally, it explores how alternative policies - legal channels of migration, amnesties – had an impact on smuggling phenomenon.

DRAZGA-MAXFIELD Linda and LEWIS Jocelyn, “The impact of guideline increases on sentencing levels from unlawful alien smuggling”, *Federal Sentencing Reporter*, vol.14 n.5, March-April 2002

This article examines the implementation of federal sentencing guidelines on alien smuggling. Significant increases in downward departures from the guideline range follow the implementation of these guideline amendments. This article pursues two hypotheses to explain the increase in downward departure sentence outcomes after the guideline computation increases. The first hypothesis involves a change in the composition of the alien smuggling caseload following the alien smuggling guideline amendment. A competing hypothesis is that judges' reactions to the increased sentencing ranges reflect their disagreement with the new sentences mandated by Congress which are viewed as too lengthy for a large percentage of the federal caseload. The paper thus highlights the important role of judges in operationalizing guideline provisions and argues for including behavior response models in the evaluation of policy options.

DUVELL Franck, “Transit migration: a politicized blurred concept”, paper presented at *the First Conference on Irregular Migration*, 18-19 June 2008, Tripoli, COMPAS, Oxford University available at: <http://www.cespi.it/PDF/Libia-D%C3%BCvell.pdf>

The paper presents a typology of three dimensions to define transit migration: length of stay, intentions and legal status. It observes the dynamic of changes in routes, and the formation of hubs and nodal points for migration depending on migration policies adopted. The paper highlights the politicized nature of the concept of transit migration and its application in international relations over migrations. Transit migration is a concept relevant to justify externalization policies, but effectively it lacks a clear definition and it needs further research to be clarified.

DUVELL Franck, TRIANDAFYLLIDOU Anna and VOLLMER Bastian: “Ethical Issues in irregular migration research”, *Research Paper*, CLANDESTINO Undocumented Migration: Counting the Uncountable, October 2008 available at: <http://clandestino.eliamep.gr/>

This paper is concerned with the ethical issues arising for researchers engaged in the study of irregular migration. In the first part of this report the authors define research ethics and briefly outline their development during the last decades in the social sciences. They also consider the relevance of research ethics for the study of irregular migration. The following section discusses the differences between sensitivity and vulnerability and their particular implications for irregular migration research. Section three looks at the ethical challenges involved in fieldwork and discusses the sensitive issues involved in the relationship between researcher, irregular migrant and society. Ethical issues on data protection and the ethical challenges involved in the production and use of quantitative data on irregular migration are considered in the fourth section. Section five discusses the question of disseminating findings (qualitative or quantitative) to wider audiences. In conclusion, the report highlights the key points that researchers should take into consideration when studying irregular migrant populations.

FARGUES Philippe, “Irregularity as normality among immigrants South and East of the Mediterranean”, *Background Paper*, CARIM – Cooperation Project on the Social Integration of Immigrants, Migration, and the Movement of Persons -, analytical and synthetic notes 2009/09

According to the author, Southern and Eastern Mediterranean (SEM) countries have become receivers of international migrants without the instruments and policies for integrating them. As a result, irregular migration has grown faster than regular migration. The paper establishes that the SEM countries currently hosts more than 3.6 million irregular migrants: irregular labor migrants targeting local labor markets are the largest category, followed by unrecognized refugees waiting for return or resettlement, then, in much smaller numbers, by transit migrants waiting for a passage to Europe. Regardless the different reasons behind migration, these three categories tend to merge into one group of populations that has no legal access to labor, welfare and protection. This group acts as a regulator of labor markets while escaping governments' control. The paper provides information about the fate of smuggled migrants that were deported back or intercepted on their way to Europe. It also provides new perspectives on the notion of transit migration.

FINCKENAUER, James O. “Chinese Transnational Organized Crime: the Fuk Ching”, *National Institute of Justice*, 2001 available at <http://www.ncjrs.gov/pdffiles1/nij/218463.pdf>

In this article, the author describes the structure and modus operandi of one of the most powerful Chinese gang based in New-York city. This gang is heavily involved in human smuggling of persons from the Fujian Province. This article also describes political connection in the United States allowing this gang to operate with relative impunity.

FUTO Peter, JANDL Michael and KARSAKOVA Liia, “Illegal migration and human smuggling in Central and Eastern Europe”, *Migracijske i etnicke teme* 21 (2005), vol. 1-2, p. 35-54

This paper attempts to summarize the results of a yearly survey among border guards of 17 Central and Eastern European countries. A set of quantitative indicators of illegal migration is developed, presented and interpreted, based on the answers of the border services to a series of quantitative and qualitative questions. Further, the impacts of legal and institutional reforms are investigated in light of the temporal and spatial variations of border apprehension statistics. The interdependence of the two processes is reviewed from the point of view of national border management authorities. The results of the survey indicate that the progressive development of migration control mechanisms at national and international levels seems to have a significant impact on irregular migration flows as most indicators of illegal migration have significantly decreased after the turn of the century. At the same time, the geographical distribution of illegal migration flows in Central and Eastern European countries has become more complex over the years.

GALLAGHER Anne, “Human Rights and human trafficking: Quagmire or firm ground? A response to James Hathaway”, *Virginia Journal of International Law*, vol. 49 n°4 2009

In a Fall 2008 article published in the *Virginia Journal of International Law*, James C. Hathaway questions whether the elimination of trafficking is a worthy objective and an appropriate focus for international law. This article, written by the former UN Adviser on Human Trafficking, provides an alternative and a sharply differing perspective on the global battle to combat trafficking. In considering each of Hathaway’s major concerns and discrediting the assumptions and authorities on which they are based, the author identifies a number of serious flaws in both interpretation and application. In terms of the broader legal and political context, The author concludes that far from damaging human rights, the issue of trafficking provides unprecedented opportunities for the renewal and growth of a legal system that, until recently, has offered only platitudes and the illusion of legal protection to the millions of individuals whose life and labor is exploited for private profit. While rejecting the charge, Ghallager seeks to identify the very real obstacles, inconsistencies, and frustrations to the protection of illegal migrants and refugees that appear to underlie Hathaway’s condemnation of a remarkably influential global campaign.

GATHMANN Christina, “The effects of enforcement on illegal markets: evidence from migrant smuggling along the South western Border”, *Discussion Paper n° 1004, Institute for the Study of Labor (IZA), January 2004*

This paper analyzes how enforcement along the U.S.-Mexican border has affected the market for migrant smugglers. Using a unique dataset that links border crossing histories from illegal Mexican migrants to aggregate enforcement and punishment statistics, the authors concludes that the effect of enforcement on smuggling prices is small. Though enforcement has more than tripled over the past fifteen years, smuggling prices have increased by at most 30 percent. Unlike estimates from illegal drugs, the demand for border smugglers is however price elastic. The author also shows that illegal migrants have switched from heavily patrolled areas to more remote and dangerous crossing routes. These avoidance costs are in fact three times the direct costs of enforcement on smuggling prices.

GEMBICKA Katarina, “Baseline research on smuggling of migrants in from, through Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan)”, *IOM Research Paper, 2006*

IOM carried out a baseline research with a regional focus on Kazakhstan, Kyrgyzstan and Tajikistan in order to assess smuggling of migrants, its routes, patterns and most susceptible groups. General trends and patterns of smuggling of migrants are analyzed before addressing the issue in Central Asian context. Three country sections provide a comprehensive guide through the migration context, legislation, smuggling routes, its organization, fees and profile of smuggled migrants. Each country specific chapter includes a list of recommendations from national migration authorities and local NGOs, gathered by local researchers in the course of interviews with relevant actors.

GUERETTE Rob: “Immigration policy, border security and migrant deaths: an impact evaluation of life-saving efforts under the border safety initiative”, *Criminology and Public Policy, vol. 6 n°2, 2007*

According to the author, subsequent to U.S. Border Patrol efforts to control illegal immigration throughout the 1990s, concern arose over an apparent increase in deaths of illegal migrants as they began to undertake more treacherous routes to enter the United States from Mexico. In response, the Border Safety Initiative was created to increase safety along the southwest border. Using multiple data sources, this study evaluates the impact of lifesaving efforts performed under the Border Safety Initiative. Results indicate that there has been no overall reduction in the rate of migrant deaths since BSI has been in operation. However, safety initiatives were found to be effective in preventing migrant deaths. Analyzing the evolution of the US immigration policy, this study suggests that proactive life-saving measures implemented through a harm-reduction strategy can have some impact on saving migrant lives.

GUERETTE Rob and CLARKE Ronald, “Border enforcement, organized crime and deaths of smuggled migrants on the United States-Mexico border”, *European Journal on Criminology and Research, vol. 11 2005, p.159-174*

This article looks at the US border enforcement strategy deployed in the 1990s in order to response to an ever increasing number of irregular migrants entering the US via Mexico with the

help of smugglers. In the first part, the paper looks at the main features of this strategy which relied primarily on increasing the number of Border Patrol agents directly on the border, the erection of walls at heavy traffic areas, and insertion of electronic surveillance systems. In a second part, the paper looks at the consequences of that strategy. While these efforts succeeded in making it more difficult for irregular migrants to gain entry into the United States undetected, it also resulted in an increased reliance on migrant smugglers. Anecdotal evidence is presented highlighting the human cost of migrant smuggling across the US-Mexico borders. Finally, implications for future border policing strategy and research are discussed. In particular, the authors put forwards recommendations to further develop research programs to get to understand better migrant smuggling mechanisms; but also to develop a more active cooperation between governmental agencies and academics.

HAAS (de) Hein, “The myth of invasion: the inconvenient realities of African migration to Europe”, *Third World Quarterly*, vol. 29 n° 7, October 2008, p. 1305-1322

According to the author, African migration to Europe is commonly seen as a tidal wave of desperate people fleeing poverty and warfare at home trying to enter the elusive European ‘El Dorado’. Typical ‘solutions’ proposed by politicians include increasing border controls or boosting African ‘stay-at-home’ development. In order to rebut stereotypes, the author provides a detailed analysis of the migration trends in Western Africa, together with detailed information on the routes, methods and motivations of smuggled migrants. He also gives a quantitative analysis of the migration patterns from Western Africa to destination countries.

HAAS (de) Hein, “Irregular Migration from West Africa to the Maghreb and the EU: An overview of recent trends”, *IOM Research Series* n° 32, 2008

This article builds on ‘The Myth of Invasion’ report and discussed misconceptions about migration from Africa to Europe. The author argues that contrary to the picture that is usually depicted, the Mediterranean states are not only transit but also and to a large extent destination countries for Sub-Saharan migrants; further, rather than a desperate response to destitution, migration is generally a conscious choice by relatively well-off individuals and households to enhance their livelihoods. Likewise, the common portrayal of irregular African migrants as victims of traffickers and smugglers is inconsistent with evidence that the vast majority of migrants move on their own initiative. The author insists that trafficking is relatively rare, and smugglers are usually not part of international organized crime but locally based ‘passeurs’ operating alone or in small networks. According to the author, increasing border controls have led to the swift diversion of migration routes and increase in the costs, risks and suffering of the migrants involved rather than a decline in migration. Irregular migration is likely to increase as long as there is a lack of legal channels for immigration to match demand for labor and a large informal economy in destination countries.

HAAS (de) Hein, “The myth of invasion- Irregular migration from West Africa to the Maghreb and to the EU”, *Research Report*, International Migration Institute, October 2007

The article analyses the issues of irregular migration from West Africa and presents main changes in the Mediterranean region. De Haas argues that the “alarm” on irregular migration

from West Africa to Europe is over-emphasized: it is not a new phenomenon and actually more West Africans are living in North Africa than in Europe. The recent growth in the irregular stocks of irregular migrants in this region is not perceived as the result of the operations of well-organized networks of smugglers, but mainly as a consequence of the policies of control and management of migration in EU and North African countries. To explore this hypothesis, regional patterns and the recent history of migration are explored. The author remarks how the increasing control of borders clashes with an increasing demand of cheap labor in North Africa. Rather than a decline in migration, increasing border controls led to the swift diversion of migration routes, increasing “illegality” and reliance on smuggling as well as an increase in the risk, costs and suffering for the migrant involved. As regards smuggling, the importance of practices of police corruption is remarked: it is considered as one of the main factors influencing prices and modus operandi of smugglers. Prices paid by migrants on main routes are listed. Family networks determine the destinations, smugglers only decide the routes. As a conclusion, quantitative estimates on both regular and irregular migrants, and the effects of recent policies are presented. According to the author, migrants and smugglers continuously adapt their strategies to changing policies, and the capacity to prevent their travels is limited. Restrictive migration policies are a cause of irregular migration, smuggling is the result of restrictive immigration policies, not a cause.

HAAS (de) Hein, “Irregular migration from Africa to Europe: questioning the transit hypothesis”, *Research Paper*, International Migration Institute, Oxford University, August 2007, available at: www.imi.ox.ac.uk

On the basis of a detailed analysis of the evolution of trans-Saharan and trans-Mediterranean migration systems, this paper questions the appropriateness of the concept of transit migration as well as the idea that it would concern a phenomenon that can be stemmed through increasing border controls. The authors argues that a substantial proportion of migrants failing or not venturing to enter Europe prefer to settle in north-Africa than instead of returning to their unsafer and poorer origin countries. These structural factors explain why increasing border controls have lead to the partial diversion of migration routes and an increase of risks and costs of migration without reversing this trend.

HAMOOD Sara, “African transit migration through Libya to Europe: the human cost”, *Research Paper*, American University in Cairo, January 2006

This report seeks to shed light on the experiences of refugees, asylum-seekers and migrants temporarily residing in and passing through Libya en route to the EU. The report examines the experiences of refugees, asylum-seekers and migrants in Libya. It also analyzes the notion of protection for refugees and asylum-seekers in Libya both from a legal perspective and as understood by refugees and asylum seekers themselves. It further tracks the journeys of refugees, asylum-seekers and migrants, originating from Egypt, Sudan and the Horn of Africa, from their countries of origin to the ultimate destination of the EU. The route through Libya to Italy is characterized by mixed migratory flows, whereby refugees and migrants use the same routes and methods to arrive at their intended destination. Both refugees and migrants find themselves in a highly vulnerable situation, at the mercy of smugglers who facilitate their transport through the desert to Libya, within Libya and across the Mediterranean Sea. The report provides details about how people are forced to travel along difficult routes using

dangerous means of transport. Finally, it outlines and analyzes the cooperation between the EU and Libya on migration issues.

**HATHAWAY James C., “The Human Rights Quagmire of “human trafficking”,
Virginia Journal of International Law, vol. 49 n°1 2008**

In this article, Hathaway launches harsh criticisms against undesired consequences of the adoption of the Trafficking in Persons and Migrant Smuggling Protocols. According to him, the criminalization of smuggling may actually increase the risk of human trafficking by driving up the cost of facilitated transborder movement and leaving the poor with no choice but to mortgage their futures in order to pay for safe passage. The author also argues that the requirements of Protocols asking States Parties to intensify border control measures have provided a justification for generalized deterrent measures, rendering illusory the formal guarantee to refugees of immunity from immigration penalties consequent to their search for protection.

**HECKMANN Friedrich, “Towards a better understanding of human smuggling”,
IMISCOE Policy Brief, Europäisches Forum für Migrationsstudien (2007)**

The policy brief reports on some key results of studies on the phenomenon of human smuggling which were conducted from 2001 onwards by five research institutes in the context of the European Science Foundation’s Collaborative Research Project *Human Smuggling and Trafficking in Migrants. Types, Origins and Dynamics in a Comparative and Interdisciplinary Perspective*. Unique data was collected that enabled the researchers to gain more insight into trends in migrant smuggling. This policy brief gives insight into the results by focusing on the process of human smuggling and presents key factors that influence the combat of human smuggling and the dramatically increasing death toll among smuggled migrants. This brief is meant for policy makers and practitioners that have to deal with fighting human smuggling in their working fields.

HECKMANN Friedrich, “Illegal migration: What can we know and what can we explain? The case of Germany”, *International Migration Review*, vol. 38 n° 3, Fall 2004, p. 1103-1125

This article looks at the methodological problems i.e. lack of indicators in the study of illegal immigration, with a special reference to Germany. The analysis of the social organization of different forms of smuggling is the other main focus of the article. From a methodological point of view, the literature and public discourse lack adequate concepts for describing and explaining the social organization of human smuggling. The theory of organized crime as a main actor in human smuggling is criticized. The study borrows concepts from market and networks theory and applies these to different forms of human smuggling and illegal migration. The social and technological organization of smuggling is under constant pressure to adapt to new conditions. The dynamism for this results mainly from an “arms race” between smugglers and law enforcement, whilst control over territory and population are central elements of state sovereignty.

**HECKMANN Friedrich, WUNDERLICH Tanja, MARTIN Susan, Mc GRATH Kelly,
Conference report of the transatlantic workshop on human smuggling,
supported by the German Marshall Fund, *Georgetown Immigration Law
Journal*, fall 2000**

The conference report provides an overview of the state of academic knowledge and policy developments in both hemispheres. It highlights the main findings regarding human smuggling in the United States and in Western Europe regarding the profile of the smuggled migrants, the social organization of the smugglers and the impact of anti-smuggling responses – i.e. border management – mainly described as “a politically successful failing policy”. The report also briefly recapitulate the researchers’ findings about trafficking for sexual exploitation, smuggling of asylum seekers and the use of fraudulent documents in the smuggling process. Finally, the report reflects discussions about possible answers to stem human smuggling through law enforcement and prevention strategies.

**HERMAN Emma, “Migration as a family business: the role of personal networks in
the mobility phase of migration”, *International Migration* vol.44 n°4,
2006**

Since it was first proposed by John Salt and Jeremy Stein in *International Migration* in 1997, the idea of migration as a business has transformed the perception of this phenomenon among academics, as well as in the popular media. However, the author argues that the business metaphor provides only part of the answer. On the basis of interviews with smuggled migrants who moved from Morocco and Senegal to Spain and from Egypt and Ghana to Italy, the author demonstrates the overriding significance for most migrants of existing networks of friends, relatives, and acquaintances when undertaking their journey.

**Human Rights Watch, “Sinai Perils. Risks to Migrants, Refugees, and Asylum
Seekers in Egypt and Israel”, November 2008**

This report outlines the situation of migrants and asylum seekers (mainly from Eritrea and Sudan) who are smuggled through Egypt into Israel. According to Human Rights Watch, despite the fact that illegal border crossing is very risky, smuggling of migrants at the Sinai border has dramatically increased these past years as migrants and asylum seekers cannot find effective protection in Egypt. The report also highlights short comings in Israel’s refugee status determination procedure, leaving foreigners in limbo.

**ICDUYGU Ahmet and TOKTAS Sule, “How do smuggling and trafficking operate
via irregular border crossings in the Middle East? Evidence from
fieldwork in Turkey”, *International Migration* vol. 40 n° 6, 2002, p. 25-54**

This article summarizes main trends, issues, actors, and activities regarding the operation and extension of human trafficking and smuggling via irregular border crossings in the Middle East. Evidence from fieldwork in Turkey during the last five years indicates that the ongoing pattern of human trafficking and smuggling in the region is the outcome of quite complex interactions among locally operating individuals and groups, with the simultaneous and sequential operation of a variety of interacting factors, including the presence of interpersonal trust relations between human traffickers and smugglers and the migrants, and the existence of national – ethnic –

friendship-based networks spanning countries of origin, of transit, and of destination worldwide.

ICDUYGU Ahmet, “Transborder Crime between Turkey and Greece: Human smuggling and its regional consequences”, *Southeast European and Black Sea Studies*, vol. 4 n° 2, May 2004.

This article elaborates the dynamics and mechanisms of human smuggling from Turkey to Greece, evaluates the nature of smuggling between Turkey and Greece on the basis of empirical evidence, and then shifts its attention to the question of how these two countries respond to the challenges of this transborder crime. In seeking a proper answer to this question, the article tries to relate the smuggling question in the Balkan region to its wider context in the European context.

ICMPD (International Centre for Migration Policy Development), East Africa Migration Route Initiative, Gaps and Needs Analysis Report, Country reports: Ethiopia, Kenya, Libya, Vienna, 2008

The report focuses on the situation of migration in East Africa, particularly in Eritrea, Ethiopia and Libya. Based upon research in the field in the three countries, and consultation with a number of stakeholders on migration flows, the report provides a general view on migration trends, migration management capacities and local needs. It analyses the problem of refugees in Eritrea, and explains that their confinement in refugee camps with limited rights of movement, education and work lead to secondary movements. For each country the report presents an overview of the migration system, regular and irregular migration, border management, refugee protection and trafficking in human beings.

IOM (HORWOOD Christopher), “In pursuit of the Southern dream: victims of necessity. Assessment of irregular movement of men from East Africa and the Horn to South Africa”, IOM publishers, April 2009

The research is part of a project investigating the irregular movement of men from East Africa and the Horn of Africa to the Republic of South Africa (RSA). The key findings elaborated in this assessment concern the logistics, economics, causal factors and trends in the smuggling of migrants through the eastern corridor of the African continent to RSA. It also emphasizes the dynamics of the abuse and exploitation of these irregular migrants during their multi-country journey. The research was originally commissioned as an investigation of whether men were being trafficked from East Africa and the Horn to South Africa. While no trafficking was identified, the research did reveal the large-scale smuggling of men, as well as allegations of severe human rights violations, abuse and exploitation.

JANDL Michael, VOGEL Dita and IGLICKA Krystyna: “Report on methodological issues”, Research Paper, CLANDESTINO Undocumented Migration: Counting the Uncountable, November 2008, available at: <http://clandestino.eliamep.gr/>

This report is a background document published within the framework of the CLANDESTINO project which aims to collect, classify and analyze data and estimates on irregular migration

from 12 EU countries. Chapter 1 outlines main features of the problem and different ways to define and conceptualize irregular migration. Chapter 2 indicates the current relatively weak state of aggregate estimates on the EU level. Chapter 3 compiles a wide range of estimation methods and discusses their strength and limitations. Chapter 4 lays out quality standards for estimates.

JANDL Michael, “Irregular Migration, Human Smuggling, and the Eastern Enlargement of the European Union”, *International Migration*, vol. 41 n°2, Summer 2007

This article examines the consequences of the latest round of EU enlargement in May 2004 on irregular migration across Central and Eastern Europe. Drawing on a unique collection of both quantitative and qualitative data related to irregular migration and human smuggling, the article first presents some long-term trends in irregular migration across the region before taking up more recent developments in 2003 and 2004. While border apprehensions have broadly declined since about 2000 there is ample evidence for an increasing role of human smugglers in facilitating irregular migration. In addition, there are noticeable changes in the modus operandi of human smugglers.

JANDL Michael, “The estimation of illegal immigration, in Europe”, *Studi Emigrazione/ Migration Studies*, vol. 153, March 2004, pp. 141-155.

The author examines available methods and techniques for the estimation of the phenomenon of illegal migration in Europe, illustrated by examples of applied research in the field from a number of European countries and supplemented by his own research. Following an introduction to the debate and a discussion of terms and definitions used, a variety of methodologies is presented and illustrated by concrete examples of research studies into the subject. The methods and examples are then subjected to a critical discussion and review. Dividing the methodologies into those used for estimating stocks of illegal migrants (illegal foreign residence and illegal foreign employment) and those used for estimating illegal migration flows (illegal entries), it emerges that analytical toolkit for producing estimates on stocks is by far greater and more promising than the techniques available for estimating flows. Finally, the author argues that rational policy making in the field of illegal migration needs to rely more on serious estimation techniques, rather than simple guesswork, and that the methods for doing so are available and tested.

JANDL Michael, “The relationship between human smuggling and the asylum system in Austria”, *Journal of Ethnic and Migration Studies*, vol. 30, n° 4, July 2004, pp. 799-806

According to the author, aualitative evidence on human smuggling and the asylum system in Austria suggests that there are strong links between the two phenomena. This paper examines whether there is also statistical evidence to support this presumption. Using data on the asylum system as well as on apprehension of illegal migrants in Austria, this question is addressed by looking at the nationalities of asylum seekers as well as illegal and smuggled migrants. The article shows that apprehended illegal migrants apply for asylum quite frequently, a fact that also shows up in statistics on the nationalities of asylum seekers. In addition, those nationalities that have been identified as having been smuggled into Austria most frequently are also among

those who have disappeared during the asylum procedures. Moreover, the tendency to “disappear” before a decision is made in first instance is not linked to the chances to be granted asylum in Austria as expressed by recognition rates.

KAIZEN Julie and NONNEMA Walter, “Irregular Migration in Belgium and Organized Crime: An overview”, *International Migration*, vol. 45, n° 2, 2007, p. 121-146

This paper presents an overview of irregular migration in Belgium and its relationship with organized crime with an emphasis on human smuggling and migrant trafficking. The purpose is twofold. First, the authors review material on irregular migration and organized crime in Belgium based on existing publications, gray literature, and expert opinion. Second, based on major findings, some tentative policy recommendations for the Belgian case are formulated. Mainly based on secondary data sources, i.e. published and non published reports of the Belgian Federal Police and the Belgian Justice Department, this research points out research gaps and provides information about the methods used by smuggling and trafficking groups, together with some conclusions and policy recommendations.

KALAITZIDIS Akis, “Human Smuggling and Trafficking in the Balkans: Is it Fortress Europe?” *Journal of the Institute of International Affairs and Justice*, n° 5 April 2005

This article looks at migrants smuggling from an organized crime perspective and examines the EU efforts to control irregular migration in the forms of both human smuggling and human trafficking. The paper explores both issues as they pertain to the Balkan region, which includes both destination and transition countries, as well as source countries. The first part defines the concept of transnational crime, human smuggling and trafficking. The second part of the paper discusses the idea of “Fortress Europe”. The third and fourth parts discuss findings from the Balkans and their possible impact on the EU. The concluding remarks call for the implementation of information and prevention campaigns.

KLEPP Silja, “Negotiating the principle of *non-refoulement* in the Mediterranean Sea: missions, visions and policies at the Southern borders of the European Union”, *Working paper series n°1, Graduate Centre Humanities and Social Sciences, Research Academy Leipzig*, 2008

This paper is based on ethnographical research carried out in Libya, Italy and Malta. It sheds light on the different actors’ practices at sea and in the surrounding border region. It also explores how new parameters for refugee protection are emerging in the border regions of the European Union. The paper argues that the policy practices of the co-operation between Italy and Libya as well as the informal operational methods carried out in the Mediterranean Sea function as a trailblazer of the overall refugee policy of the EU. In the long term, some of these practices will affect and change the legal basis and the formal regulations of the European refugee regime. The principle of *non-refoulement* could first be undermined and then abolished in this process. Using an approach that combines the empirical study of border regions with a legal anthropological perspective, this paper analysis the Union’s processes of change and decision-making on local, national and supranational levels and their interconnections.

KOSER Khalil, “Why migrants smuggling pay?” pp. 3-26 in *International Migration* vol. 46 n°2, 2008

Drawing on empirical research in Afghanistan and Pakistan, this article follows the money for 50 migrants smuggled to the UK, to cast light on the financing of smuggling. According to the author the means used to raise the money to pay smugglers ranged from drawing on savings to selling property, land and jewellery. Payments were made to a third-party, who did not release the payment to the smuggler until migrants had arrived in their destination which qualifies the author as an effective ‘money-back guarantee’. Smugglers disbursed about half of their fee to forgers, procurers of passports, airport officials and other intermediaries required to facilitate smuggling. Most migrants quickly found work in their destination and started remitting soon after their arrival. On average remittances were at a sufficient level to repay the initial outlay on smugglers’ fees after two years, and thereafter remittances on average more than doubled household incomes at home. In this case study, smuggling therefore paid for the range of intermediaries involved in facilitating it, for migrants themselves, and for migrants’ households at home.

KOSER Khalid “The Smuggling of Asylum Seekers into Western Europe: Contradictions, Conundrums, and Dilemmas”, pp. 58-73 in *Global Human Smuggling. Comparative Perspectives*, eds. David Kyle and Rey Koslowski. Baltimore: The John Hopkins University Press, 2001 [available in hard copy only]

The author examines asylum seekers as another major source of contemporary human smuggling often failing between that uncomfortable dichotomy of “freedom fighter” and “evil smuggler”. Indeed, asylum seekers often escape human rights violations by seeking out smugglers, but then also encounter additional human rights violations along the way, as illustrated through interviews with Iranian asylum seekers in the Netherlands. Further, the author discusses how reducing legal channels for labor migration drove immigrant into asylum procedure, which is one of the only ways to enter Europe legally. Far from solving problems, restrictive migration policies have driven both labor migrants and asylum seekers into the hands of professional smugglers.

KOSER Khalil, “Irregular migration, state security and human security”, *Research Paper*, Global Commission for immigration, Sept. 2005

The report proceeds from the following standpoint: irregular migration poses very real dilemmas for states, as well as exposing migrants themselves to insecurity and vulnerability. Most states have, nevertheless, failed to manage or control irregular migration effectively. What is therefore required are new, more effective and coherent approaches to address the issue of irregular migration, that recognize both the concerns of states in this respect and the need to protect the rights of irregular migrants. This report has seven main sections. First, the key dilemmas framing policy-making on irregular migration are outlined. Second, irregular migration is defined and appropriate terminology and data sources considered. The third section provides a brief overview of recent global trends in relation to irregular migration. The fourth section examines the ways and extent to which irregular migration constitutes a real or perceived threat to state security and human security. The fifth section the contribution of non-

state actors to the development of policy in this field. The penultimate section examines policies and practices concerning the return of unauthorized migrants. Finally, alternative policy approaches are explored.

KYLE David and SCARCELLI Marc, “Migrant smuggling and the violence question: evolving illicit migration markets for Cuban and Haitian refugees”
Journal of Crime, Law, and Social Change, March 2009

Comparing Cuban and Haitian migrant smuggling schemes, this article explores the relationship between violence and the social organization of migrant smuggling, including the smuggling of refugees. Levels of violence, political repression, and ethnic persecution in sending states provide an important context for understanding the origins and organization of this illicit market. Examining the violent threats and acts directed at migrants en route, the authors argue that violence is not a necessary part of the illicit market for unauthorized migration, attenuated by the social networks, cultural norms, and contractual relationships in which it is embedded.

LACZKO Frank, “Opening Up Legal Channels for Temporary Migration: A Way to Reduce Human Smuggling?”, *Journal of International Migration and Integration*, volume 5 n°3, summer 2004

According to the author it is often suggested that if more migrants were able to enter developed countries legally for short periods to work, fewer people would need to turn to smugglers for assistance. This article discusses some of the arguments for and against this policy approach, focusing on Europe. The article suggests that there are likely to be no easy solutions to combating people smuggling, and only a comprehensive approach, is likely to have any chance of success; such an approach should include a range of measures including greater opportunities for temporary employment.

LINTNER Bertil, “Illegal Aliens Smuggling to and through Southeast Asia’s Golden Triangle”, pp. 108-119 in NYIRI Pal and ROSTISLAVOVICH Igor, *Globalizing Chinese Migration: trends in Europe and Asia*, Ashgate publishing, 2002

This article explores the fate of thousands of Chinese migrants who are smuggled outside their home country into the United States, as well as into Japan, Taiwan, Australia or Europe. The article provides detailed information about the smuggling routes within the so-called Golden Triangle (Burma, Laos, and Cambodia). According to the author while migrants hope to migrate to western countries, they often end up spending months if not years in smuggling hubs which are run by criminal gangs. In the three countries, migrants smuggling has emerged as a very lucrative activity within a context of endemic poverty, general chaotic conditions, weak institutions, and corrupt law enforcement authorities.

LUTTERBECK Derek, “Policing Migration in the Mediterranean”, in *Mediterranean politics*, Vol.11, No.1, 59-82, March 2006

According to the other, over recent years, there has been growing concern in European countries with irregular migration and other – supposedly related – transnational challenges from across the Mediterranean, which have come to be seen both as a security risk as well as a humanitarian

challenge. In response, European countries have been stepping up their efforts to police their Mediterranean borders. According to the authors this has involved both an increasing militarization of migration control in the Mediterranean, in the sense of the deployment of semi-military and military forces and hardware in the prevention of migration by sea, and an intensification of law enforcement co-operation between the countries north and south of the Mediterranean. This article discusses the evolution of these policing activities in and across the Mediterranean, as well as some of its perverse side effects, such as the growing involvement of human smugglers, and the diversion of the migratory flows towards other, usually further and more dangerous, routes across the Mediterranean Sea.

LUTTERBECK Derek, “Small frontiers island: Malta and the challenge of irregular migration”, *Mediterranean Quarterly*, winter 2009, p. 119-144

In this essay, the author aims to offer a broad overview of the migration issue as it has been unfolding in Malta during recent years. The essay begins with a description of the evolution of irregular immigration into Malta, followed by a description of the main trends in asylum applications and an analysis of why burden sharing with other EU countries and the revision of the Dublin Convention has been high on Malta's agenda. Subsequent sections deal with Malta's policy responses to the growth in illegal immigration, including the challenges Malta has been facing in carrying out maritime patrols in the Mediterranean —another area where burden-sharing within the EU, in particular in the form of Frontex, has been an important issue. The author then turns to Malta's strict detention policy. In the last sections are discussed the emerging issue of the integration of immigrants in Malta, as well as the growth in anti-immigrant movements and activities during recent years.

MALLEY William, “Security, people-smuggling, and Australia's new Afghan refugees”, *Australian Journal of International Affairs*, vol. 55 n°3, pp. 351-370, 2001

In this article, the author argues that preoccupation with security 'threats' and with 'control' as a dimension of sovereignty has dominated Australia's response to people-smuggling, and that the consequences have been dire: not only is the human security of vulnerable people neglected, but the policy responses are unlikely to be effective in preventing population movements. To shed light on the complexities of dealing with those who are forced to resort to the services of people-smugglers, the author examines the experiences of some Afghan migrants, as a way of highlighting a number of more general aspects of the refugee experience.

MAVRIS Lejla, “Asylum seekers and human smuggling: Bosnia and Former Yugoslavia as a transit region”, Paper presented at the WIDER/UNU Conference on “Poverty, International Migration and Asylum”, 27-28 Sept. 2002, Helsinki Finland

According to the author, restrictive migration policies and the reluctance of western governments to admit asylum seekers cause many refugees to turn to their last resort – migrant smugglers. This paper analyses the role of smugglers in the movement of asylum seekers into Western Europe through the region of former Yugoslavia. of the paper focuses on Bosnia and Herzegovina. The paper explains why former Yugoslavia is used as a transit region, by whom it is used, where the smuggled people come from and where they are going. In addition, it provides

a description of the experiences that asylum seekers must endure during their journey through the region. These include the duration of the trip, modes of transport, their treatment by the smugglers, and the consequences of being caught.

Médecins sans Frontières (MSF), No Choice: Somali and Ethiopian refugees, asylum seekers and migrants crossing the Gulf of Aden, June 2008

According to MSF, thousands of people risk their lives every year to cross the Gulf of Aden to escape from conflict, violence, drought and poverty. Lacking safe and legal alternatives to leave their country, refugees and migrants have to sue the services of smugglers to cross the Gulf of Aden. The boat trip is fraught with danger; the smugglers are notorious for their brutality. Fatality rates are very high. While this report aims at raising public awareness, it includes detailed information about the social and technical organization of migrant smuggling, the profile of the migrants and their motivation. It also includes a detailed chapter about the humanitarian consequences of such a traumatic experience.

Mixed Migration Task Force Somalia (co-chaired by UNHCR – IOM), “Mixed migration through Somalia and across the Gulf of Aden”, report, April 2008.

This strategy paper outlines the dynamics and challenges along the migration routes that converge in Puntland, on the hazardous sea journey to Yemen, and during the reception of people in Yemen. Other routes (such as through Djibouti) are also briefly analyzed. It looks at the profile of the migrants and refugees and gives an overview of the modus operandi used by the smugglers. Finally, it provides recommendations for a strategy to address these challenges.

MONZINI Paola, “Sea border Crossings: The Organization of Irregular Migration to Italy”, *Mediterranean Politics*, vol.12, n°2, July 2007

This article reconstructs the routes and the organization of the travels which irregularly cross the Mediterranean Sea to reach Italy. Different migration flows and their evolution are presented: the case of short crossings from Albania at the beginning of the 1990s; the departures from Turkey, Syria and Lebanon at the end of the 1990s; the passage from the Suez Canal; the long-distance journeys from West Africa; and finally the landings in Lampedusa, from Libya, which is currently the most favored route. Focus is placed on the organizations that run the illegal entry routes, and on the institutional reactions at play to stop these irregular movements, considering both the Italian and the international sides.

MONZONI Paola, “Migration: Human Rights of Irregular Migrants in Italy”, in *International Council on Human Rights Policy, Migration: Human Rights Protection of Smuggled Persons*, Geneva 25-26 July 2006

This paper is part of a research project lead by the International Council on Human Rights Policy that examines the provisions that protect undocumented and smuggled migrants under international human rights law, and suggests how they might be integrated in migration policies, alongside economic and law enforcement considerations. This paper presents an overview of the situation of irregular migrants coming into Italy through smuggling routes. A literature review has been conducted, with a special focus on their human rights. Main

assumptions have been checked through empirical research, with a series of in-depth interviews with key actors (irregular migrants) and observers (journalists, social workers, experts, police officers) in Sicily, within the province of Ragusa, one of the main entry points for irregular migrants, and in Rome.

MONZINI Paola, PASTORE Fabrizio and SCIORTINO Guiseppe, “ Human smuggling to and through Italy”, Project Research of the Centro Studi di Politica Internazionale – CESPI -, *Human and trafficking of migrants: types, origins and dynamics in a comparative and inter-disciplinary perspective*, 2004.

This report offers a comprehensive overview of the issue of migrants smuggling in Italy, with a special focus on the North-East border and maritime routes. According to the author The most widespread image of the subject of illegal immigration into Italy is that of the “boat landings” on the southern coast of the country, with hundreds of exhausted individual. However, the authors argue that whilst the boat landings features high in the media illegal border crossing is also a very important phenomenon in Italy. More specifically, the authors look at the strategic importance of the Northern-east region, an area close to the Balkan region and part of the Schengen area, and highlight the long history of migrant smuggling business. The report offers detailed information about migration flows, routes, smugglers modus operandi and organization structure. The second part of the report looks then at specific features of the migrants smuggling through maritime routes and provides with details about the routes between Italy and Libya and Italy and Turkey; it discusses further the concept of the Mediterranean as an integrated space for migrant smuggling.

MOORE Marketa and TUBILEWICZ Czeslaw, “Chinese migrants in the Czech Republic: perfect strangers”, *Asian Survey*, vol. 41 n° 4, July-August 2001, p. 611-628

According to the author, ten years after the Chinese began their East Central Europe (ECE) odyssey, the topic of Chinese migration to the former communist countries remains largely under-researched. Only the Chinese community in Hungary has received sufficient academic attention. This article thus is meant to contribute to the broader understanding of the changing patterns of Chinese migration in the 1990s and their specific characteristics in ECE. Specifically, it examines Chinese migration to Czechoslovakia and later the Czech Republic. It aims to accomplish four tasks: 1) to establish the general features of Chinese migration to ECE and more specifically its smuggling component; 2) to understand migrants’ motivations and their business strategies; 3) to scrutinize the nature and identity of the Chinese community in the Czech Republic; and 4) to identify dynamics of social interaction between Chinese newcomers and the receiving Czech society, and its economic and political consequences.

MORRISON John and CROSLAND Beth, “The trafficking and smuggling of refugees: the end game in European asylum policy?”, *UNHCR Working Paper n°39*, 2000.

This report analyses the response of European governments to the increasing problems of human trafficking and smuggling, and concludes that much of existing policy-making is part of the problem and not the solution. Refugees are now forced to use illegal means if they want to

access Europe at all. The direction of current policy risks not so much solving the problem of trafficking but rather ending the right of asylum in Europe, one of the most fundamental of all human rights. Any comprehensive approach that tackles trafficking and smuggling successfully requires legal and safe migration opportunities for all refugees, as well as necessary enforcement measures. Europe is in urgent need for political and moral leadership on this issue and it is hoped that the recommendations contained in the final chapter of this report might stimulate some reflection.

NARLI Nilufe, “Human trafficking and smuggling: the process, the actors and the victim profile”, p. 7-35 in *Trafficking in persons in South East Europe. A threat to human security*, Austrian Federal Ministry of Defence (BMLV), Vienna, Austria, Sept. 2006

In this paper, the author argues that one crucial factor fostering the illegal trafficking of humans is organized crime. Organized crime cells facilitate the trafficking of humans and by providing illegal employment. Human smuggling, trafficking and illegal migrant work force are inter-related. Smuggled and trafficked people work illegally in the destination and sometimes in the transit country depending on how much time they spent in the transit country. Who are the actors and the victims in human smuggling and trafficking? What are the strategies and tactics of the human smuggling and trafficking networks? The paper looks at irregular migration to Turkey and through Turkey where Istanbul is a key zone. In more specific terms, it focuses on refugees, human smuggling and trafficking and illegal migration of labor. In doing so, the paper takes account of the global distribution of the demand for labor, and the impact of informal globalization in shaping the undocumented and illegal labour market. It examines the processes and actors at work.

NESKE Matthias, “Human smuggling to and through Germany”, *International Migration*, vol. 44 n°4 2006

This paper provides insight into the organizational principles of human smuggling processes. The empirical results are based upon two different kinds of material, expert interviews, and - almost exclusively in this field - copies of 51 complete court proceedings from all over Germany. They consist, apart from police reports and judgments of the courts, of interrogations of smugglers and smuggled persons as well as smugglers' telephone conversations, which were transcribed and translated. The combination of these elements then led toward a typology of human smuggling processes. Three main types of human smuggling processes have been worked out: the first is "individual smuggling with a high degree of self-responsibility"; the second is "covered" smuggling based upon obtaining visa by artifice; the third is "pre-organized stage-to-stage smuggling". The author discusses the coordination mechanisms – or lack of – at the different stages of the smuggling process and the impact of market conditions on these criminal activities.

NESKE Matthias and DOOMERNIK Jeroen, “Comparing notes: perspectives on human smuggling in Austria, Germany, Italy, and the Netherlands”, *International Migration*, vol. 44 n°4 2006

This introductory article highlights the main features and findings of a major research project on human smuggling lead by two major academic centers in Europe - the Institute for Migration

and Ethnic studies (University of Amsterdam) and the European Forum for Migration Studies (Bamberg University). The basic assumption behind this project was to bring to light differences and similarities between smuggling processes in five different countries or regions (Italy, Austria, Germany, the Netherlands and Northern Africa) on the basis of a common methodology. This introductory article therefore provides an overview of the findings regarding the identity and character of the smugglers, their *modus operandi* and way of organization, routes commonly taken, the images migrants have of their smugglers and into the role of trust between them. It also provides a critical analysis of the criminalization of human smuggling and the need for the law enforcement approach to be complemented by policies in other domains both domestically and abroad.

OBOOKATA Tom, “Smuggling of Human beings from a human rights perspective: Obligations of non-State and State actors under International Human Rights law”, *International Journal of Refugee Law*, vol. 17 n°2, 2005, p. 394-415

According to the author, although trafficking of human beings has been widely regarded as a human rights issue, little attention has been paid to human rights aspects of smuggling as it is mainly characterized as facilitation of illegal migration. The purpose of this article is to demonstrate that smuggling of human beings equally raises human rights concerns. The article begins by exploring the definitions of trafficking and smuggling and their policy implications. It then highlights some human rights issues inherent in the act by examining its causes, process and consequences. It continues with an analysis of human rights obligations imposed upon non-State and State actors. The fact that non-State actors are not held directly accountable under international human rights law points to an investigation of legal obligations imposed upon States, and this article examines an obligation to protect victims as an example.

OLLUS Natalia, “Protocol against the smuggling of migrants by land, air and sea, supplementing the UN Convention against transnational organized crime: a tool for criminal justice personnel”, *Research Paper presented at the 122nd international training course, European Institute for Crime Prevention and Control*, 2000, HEUNI, Helsinki, Finland, available at: http://www.oas.org/juridico/MLA/en/Treaties/en_Prot_Smug_Migr_Land_Air_Sea_Suppl_UN_Conve_Trans_Orga_Cri_Tool_Crim_Jus_Pers_2000.pdf

This paper presents the Migrant Smuggling Protocol. It focuses briefly on the phenomenon of smuggling of migrants and the background to the Protocol, highlighting the differences with the issue of trafficking. The author provides an overview of the structure of the Protocol and comment on the main provisions – in particular the provisions dealing with the issue of smuggling by sea and State parties’ obligations regarding prevention, transnational cooperation and humanitarian safeguards. Finally, the article discusses some implications for implementation, stressing the need to look at migrant smuggling not only from the perspective of organized crime but also from the perspective of human rights protection and migrants’ security.

Pacific immigration directors' conference (PIDC), "People smuggling, human trafficking and illegal immigration in the Pacific: a regional perspective – January to December 2007", report published in April 2008

This report analyses human trafficking and migrant smuggling in the Asia Pacific region and the identity fraud that can underpin them. The report also looks at other forms of immigration crime in order to provide a wider picture of immigration's enforcement work. The purpose of this report is to provide an evidence base to assist the PIDC members and agencies develop robust policy and operational responses.

PASTORE Ferruccio, MONZINI Paola, SCIORTINO Giuseppe, "Schengen's soft underbelly? Irregular Migration and human smuggling across land and sea borders to Italy", *International Migration Journal*, vol. 44 n°4 2006.

According to the author, irregular migration to or across Italy is usually associated with the idea of hundreds, sometimes thousands, of migrants crossing the Mediterranean crammed in long-worn ships barely staying afloat. Such journeys are often taken as evidence of the existence of hierarchically integrated, centralized, sophisticated, worldwide active, criminal cartels. Yet, the authors argues that this depiction is radically at odd with the available evidence, as it has little to do with the empirical reality of irregular migratory systems. This paper reviews a number of Italian Court files concerning a variety of organizations operating across both land and sea borders. It is shown how such organizations operate within a variety of local specificities and structural constraints.

PASTORE Ferruccio, "Libya's entry into the migration great game", in GUIRAUDON V., *The External Dimension of Immigration and Asylum Policies in Europe*, Berg publishers, 2008.

The author analyses migration policies of Libya within the broader international context. It explains how Libya became an immigration and consequently a transit country, with migration flows directed to Italy, EU. The impact of a process of externalization of migration controls from EU to Libya is presented and possible scenarios are designed.

PETROS Melanie, "The costs of human smuggling and trafficking" Global Commission on International Migration Research Paper n° 31, April 2005

This paper it is based on analysis of over 500 secondary sources about human trafficking and migrant smuggling. It is concerned specifically with the costs of human smuggling and trafficking, and adopts a longitudinal and global perspective asking how costs vary across the world, how they have changed over time and what factors other than origin and destination determine their level. While fully acknowledging the difficulties of researching human smuggling and trafficking, the author stresses the disappointing lack of rigor in the reporting of much of the research covered, as well as a lack of critical engagement with sources of information. Petros argues that more scientific rigor would help demystifying the phenomena of human smuggling and trafficking, combating media and popular misconceptions, properly informing policy-making and opening up this important field to further academic study.

ROBIN Nelly, « L'immigration subsaharienne en Espagne vue du Sud : entre appel économique et protectionnisme politique », *Migrations et Société*, vol. 21 n°125, Sept-Oct 2009, pp.71-99

This paper focuses on the evolution of the Sub-Saharan immigration towards Spain between 1998-2008. It then looks at the related migration control policies and the dialogue with African countries that were developed at European and Spanish levels in order to stem irregular migration. This article provides a detailed analysis of the migrant smuggling process, based on interviews with smuggled migrants coming in particular from the Casamance region. The paper provides information about the profile of the migrants and the smugglers' *modus operandi*. It also highlights the impact of restrictive border controls on smuggling itineraries – in particular how smuggling counter-measures developed in Ceuta and Melilla have led smuggling rings to further develop their activities in Mauritania and in Senegal. Finally, the author provides a critical analysis of forced returns and the need for balanced and comprehensive migration policies including economic development in emigration source countries.

SAHA K.C., “Smuggling of Indian citizens: preliminary findings”, *Journal of Immigrants and Refugee Studies*, volume 5 n°1, 2007, pp. 55- 69

This study examines the smuggling of Indian citizens to other countries and provides insight into the *modus operandi* of the smugglers. It is based on an empirical study of deportation cases of Indian citizens from other countries; about three-quarters of the deportees who accessed the services of smugglers belonged to the state of Punjab. The study has shown that smuggling of aliens is carried out by professional organizations with links in the countries of source, transition, and destination. The study concludes that so long as opportunities for legal migration are limited there will always be a demand for smugglers.

SALT John and STEIN Jeremy, “Migration as a business: the case of trafficking”, *International Migration*, vol. 35 n° 4, 1997

This article suggests treating international migration as a global business which has both legitimate and illegitimate sides. The migration business is conceived as a system of institutionalized networks with complex profit and loss accounts, including a set of institutions, agents and individuals each of which stands to make a commercial gain. The article focuses on migrant trafficking and smuggling as the core of the illegitimate business. The model conceives trafficking and smuggling as an intermediary part of the global migration business facilitating movement of people between origin and destination countries. The conceptualization of trafficking and smuggling as a business has important implications for the study of migration since trafficking and smuggling blur meaningful conceptual distinctions between legal and illegal migration. For policy makers, trafficking presents new challenges in the management and control of migration flows across borders. In particular it suggests the need to look at immigration controls in new ways, placing sharper focus on the institutions and vested interests involved rather than on the migrants themselves.

**SALT John, “Trafficking and human smuggling: a European perspective”,
*International Migration, Special Issue 2000/1***

The article reviews the empirical evidence for trafficking and human smuggling in Europe. It argues that a market for irregular migration services has emerged, in which the mechanisms and forms of organization are still relatively unknown. The interest and concern for trafficking and human smuggling in governmental, inter-governmental and non-governmental organizations, in the media and popular opinion, is running ahead of theoretical understanding and factual evidence. This has implications for policy measures designed to combat trafficking and human smuggling, which may not work and also have unintended side effects. The article begins with a discussion of the main conceptual and definitional issues confronting researchers and politicians. This is followed by an assessment of the main theoretical approaches that have been developed and an evaluation of current statistical knowledge. Information on the organizational structure of trafficking organizations is then reviewed, followed by a summary of the characteristics of migrants involved, based on empirical studies that have been carried out. The article concludes by indicating some of the main research priorities.

**SARRICA Fabrizio, “The smuggling of migrants. A flourishing activity of
transnational organized crime”, *Crossroads*, volume 5 n° 3, 2005**

This article analyses the phenomenon of migrants smuggling worldwide from an organized crime perspective, looking both at the *modus operandi* and offences connected to migrants smuggling such as money laundering and documents forgery. Looking at the examples in Europe, Middle East and Northern America, the author questions the validity of the assumption that smuggling networks are structured according to the ‘Sicilian model’ i.e. with an extremely hierarchical and vertical structure. He also criticizes the idea that, contrary to trafficking, “smuggling is a crime without victim”.

**SCHARF Daniel, “For Humane Borders: Two Decades of Death and Illegal Activity
in the Sonoran Desert”, 38 *Case W. Res. J. Int’l L.* 141, 2006.**

This article provides an analysis of the US law enforcement strategy launched in 1994 under the Operation Gate Keeper. The article first discusses the measures deployed by the US in order to secure the borders. Then it examines the effectiveness US border control strategy. Finally, the article explores alternative strategies aiming at both improving security and border controls but also at preventing deaths in the desert.

**SCHLOENHARDT Andreas, “Organized Crime and Migrant Smuggling. Australia
and the Asia-Pacific.”, Australian Institute of Criminology, *Research and
Public Policy Series n° 44*, Canberra, 2002
<http://www.aic.gov.au/publications/rpp/44/rpp44.pdf>**

The aim of this study is to explain the organized crime aspect of migrant smuggling in the Asia Pacific region. In order to develop appropriate and effective countermeasures, this study seeks to identify and investigate the structural patterns of migrant smuggling and to highlight the significant difference with traditional concepts of organized crime. The first two chapters feature a brief discussion of what is organized crime and how it can be best approached. It examines

why, when and where organized crime and migrant smuggling emerge. The following chapters then provide a detailed analysis of migrant smuggling in Australia and the Asia Pacific region.

SCHLOENHARDT Andreas. “Organized Crime and the Business of Migrant Trafficking. An Economic Analysis” Australian Institute of Criminology, *Occasional Seminar Paper*, Canberra, 10 November 1999.
<http://www.aic.gov.au/conferences/occasional/schloenhardt.pdf>

This paper seeks to examine trafficking organizations in light of the most recent theories and interpretations of organized crime that is the economic analysis of transnational criminal organizations. With respect to the elaboration of future countermeasures on national, regional and international levels, the aim of this paper is to identify more precisely the major organizational and operational features of the migrant trafficking business. The paper begins with an introductory discussion of the economic approach to organized crime in part 1. Part 2 analyses the illegal market in which criminal organizations, in particular traffickers, operate. This provides the working basis for the examination of the migrant trafficking organization in part 3 of the paper.

SEIN Andrew J., “The prosecution of Chinese organized crime groups: the Sister Ping case and its lessons”, *Trends in Organized Crime*, May 2008, online review, Springer Publishers

This article analyzes the investigation and prosecution of Chinese criminal organizations through the study of one major human smuggling case: the trial of “Sister Ping.” Data were obtained from media reports, court documents, and from interviews with parties familiar with the case. It is argued that modern human smuggling groups such as the one run by Sister Ping are informal and decentralized organizations with no link with organized crime networks.

SENOVILLA HERNANDEZ Daniel, « Mineurs isolés étrangers en Espagne. Une réponse juridique et institutionnelle conforme à la Convention internationale des droits de l’enfant ? », *Migrations et Société*, vol. 21 n° 125, Sept-Oct. 2009, pp. 161-173

This article looks at the evolution of the number of unaccompanied minors amongst irregular migrants smuggled to Spain from or through Northern African countries, in particular Morocco. The author looks at the profile and nationalities of this special category of smuggled migrants, the role of their relatives in the decision-making process and the way they were smuggled into Spain. After a brief quantitative and qualitative analysis of this phenomenon, the author also provides a critical analysis of the legal and institutional policy framework developed since 1996 to protect those minors. While acknowledging that some important tools have been developed by the Spanish authorities, the author deplores that the overall orientation of the policy is guided by primary migration control objectives rather than by children’s protection.

SIRACUSA Christina and ACACIO Kristel, “State Migrant-Exporting Schemes and their Implications for the Rise of Illicit Migration: A Comparison of Spain and the Philippines”, *Journal of International Migration and Integration*, volume 5 n°3, summer 2004

The purpose of this article is to explore the connection between state-sponsored exporting of labor and the rise in human smuggling and trafficking. The cases of Spain and the Philippines are analyzed. The authors delineate how and why each state engaged in labor export and what the corresponding ramifications have been. In the case of Spain, the creation and operation of the Spanish Institute of Emigration from 1956-1973 is thoroughly examined. In the Philippine case, the authors look at the country's "overseas employment program" instituted in 1974 under the Labor Code. This policy later evolved into the Philippine Overseas Employment Administration (POEA). A historical comparative framework is used in order to demonstrate how state migrant exporting schemes can lead to the same outcome: illicit migration. Although there are no definitive conclusions on the size and scope of state influence on illicit migration, the authors nonetheless find the conceptualization of states as possible agents for human smuggling or trafficking relevant in terms of theory generation and policy implications.

SKELDON Ronald, “Myths and Realities of Chinese Irregular Migration”, *IOM Research series*, n°1, 2000

This paper reviews research on the trafficking and smuggling of migrants from China. It also discusses some of the policy measures that have been taken by China and other countries to combat trafficking from China. The paper argues for a more balanced picture of trafficking and of the specific role played by migrants from China.

SPENER David, “Mexican Migrant-Smuggling: A Cross-Border Cottage Industry” *Journal of International Migration and Integration*, volume 5 n°3, summer 2004

In this article the author argues that despite the rise of larger-scale smuggling organizations, smuggling of migrants across the US-Mexico border is still undertaken by small-scale and/or part-time smugglers who are embedded in the Mexican migrant community itself. Moreover, he suggests that the logic that predicts the elimination of small-scale smugglers from the market is flawed because it is based on an unrealistic assessment of the requirements for mounting a successful smuggling enterprise. He bases this claim on preliminary findings from an ongoing ethnographic study of migrant smuggling on the South Texas-Northeast Mexico border that he began in summer 1998

SPIJKERBOER Thomas, “The human cost of border control”, *European Journal of Migration and Law*, volume 9 (2007) p. 127-139

This article outlines the relationship between irregular immigration, increased border control, and the number of casualties at Europe's maritime borders. This overview shows that both Member States and the EU itself have increasingly adopted a technical, quasi-military approach to border control. The third part of this paper presents data on the human costs of external border control. There are strong reasons to believe that increased controls have led to the loss of more lives, and given this, it is foreseeable that further tightening of the external borders, as

envisaged by the Member States and the EU, will intensify this trend. The final section of this paper examines the fundamental policy question whether the human costs are relevant to the current debate about the control of the EU's external borders. The author argues that States have a positive obligation under international law to address this issue, and formulates concrete proposals to monitor and reduce the number of border deaths.

STARING Richard, “Facilitating the Arrival of Illegal Immigrants in the Netherlands: Irregular Chain Migration versus Smuggling Chains”, *Journal of International Migration and Integration*, volume 5 n°3, summer 2004

The article aims to explore the role human smuggling organizations play in facilitating the arrival of illegal immigrants in the Netherlands and their further incorporation into Dutch society. Based on empirical research among 325 illegal immigrants living in the Netherlands, the question of how illegal immigrants succeeded in entering the European Union and settling in the Netherlands is addressed.

THOMAS-HOPE Elizabeth, “Irregular migration and asylum-seekers in the Caribbean”, *Discussion Paper n° 2003/48*, World Institute for Development Economic Research (WIDER), June 2003

This paper argues that irregular movements are part of the wider Caribbean migration process which is rooted in a complex amalgam of political, socioeconomic and increasingly environmental, factors. Locations in the Caribbean largely provide the intended transit stops to the United States, but with the implementation of policies to interdict migrants at sea, many of these intermediary locations become final destinations and, ultimately, marginalized communities of the migrants themselves and successive generations. According to the authors, these locations are the nodal points of an established transnational network that sustains the ongoing process of irregular migration. The paper looks at the organization and the modus operandi of smuggling rings operating the region. It also discusses how irregular migration and the question of asylum greatly affect diplomatic relations between Caribbean countries of migration source and destination. It finally calls for better and more thoughtful policies to address irregular migration.

TORRES Ariadna, “Human smuggling: policies, practices and legislation (Mexico 2000-2003)”, in *International Council on Human Rights Policy, Migration: Human Rights Protection of Smuggled Persons*, Geneva 25-26 July 2006

The first part of this report describes the root causes of the migration flows transiting Mexico and the origin of the border policies with which the Mexican government combats immigrants and smugglers. The second part of the report examines the national legislation which aims to control, deter and sanction undocumented migration and smuggling. It contrasts the results of its application with the objectives of the United Nations Convention against Transnational Organized Crime and the Migrant Smuggling Protocol. The report aims to discern whether the Mexican government has created mechanisms and applies effective measures to protect migrants from the abusive action of the State or private individuals.

UEHLING Greta Lynn, “The international smuggling of children: coyotes, snakeheads, and the politics of compassion”, *Anthropological Quarterly*, vol. 81 n° 4, 2008, pp. 833-871

According to the author, each year, over 100 000 unaccompanied minors are apprehended entering the United States, and without valid immigration documents. Based on interviews with policy makers and program officers, visits to the shelters, and interviews with the children, this article explores the politics of compassion surrounding these migrants. In order to provide more humane and egalitarian response to the migration, the tensions and contradictions inherent in current practices need to be made more conscious. Considering migration from Mexico, Central America, China, and India, the paper challenges the ethnically-coded system that protects some children more than others. This paper argues that, rather than dismantling the politics of compassion, what is needed is a clearer understanding of the children's paths to the United States, and a system without the ethic hierarchies that are currently in place.

United Nations International Crime and Justice Research Institute (UNICRI) and Australian Institute of Criminology, *Rapid assessment: human smuggling and trafficking from the Philippines*, November 1999, doc. A/CONF.187/CRP.1, April 2000

This document reviews studies and documents on smuggling and trafficking in human beings, as well as results of a fact finding mission. The document is divided into two main parts and considers: 1) the state of existing knowledge with respect to transnational organized crime and smuggling and trafficking activity from the Philippines; 2) institutional responses to transnational organized crime and smuggling and trafficking activity from the Philippines.

UNHCR (CHARRIERE Florianne et FRESIA Marion), *L'Afrique de l'Ouest comme espace migratoire et espace de protection*, UNHCR working paper, November 2008

This report provides a detailed analysis of migratory flows in West Africa. The report demonstrates that the migration flows between West Africa and Europe remains quite limited and that the large proportion of migratory flows actually happen within the region. Although the report looks at the issue of irregular migration from a general perspective, it devotes specific sections to the issue of smuggling and trafficking and to persons in need of international protection. The report provides a detailed analysis of the legal and policy framework of West African States and points at the protection gaps in practice. It also provides an analysis of the impact of the policies aiming at fighting against irregular migration towards Europe.

UNODC, *Transnational trafficking and the rule of law in West Africa a threat assessment*, July 2009

According to UNODC, West Africa is afflicted by a number of transnational trafficking flows, attracted by and aggravating the special vulnerability of this region. This report examines these flows in a similar way, looking at the potential impact on the rule of law. Whilst the report examines different forms of organized crimes (cocaine, small arms, oil, cigarettes, toxic waste), it includes a chapter on migrant smuggling, updating the findings of a report on irregular

migration from Africa to Europe published by UNODC in 2006. The report demonstrates that some smugglers are also independent facilitators that do not belong to sophisticated criminal organizations even if the fees paid for a journey might be very high. The report offers detailed informed about the migrants, the smuggling routes and profile of the smugglers. Further, it provides a critical analysis about the impact of the various forms of trafficking and organized crimes – including migrant smuggling - on human rights and the rule of law in West Africa.

UNODC, Smuggling of migrants from India to Europe and in particular to the UK - a study on Tamil Nadu, 2009

This report analyses the scope and magnitude of irregular migration in the Southern State of Tamil Nadu in India. Four districts – namely Tanjavur, Thiruvavur, Pudukkottai and Namakkal – were chosen because of the large number of cases of irregular migration reported from here. Analysis of the data and the information available suggest that irregular migration from Tamil Nadu is substantial and it can be put under two broad categories: first, irregular migration of unskilled migrants to Middle east and South East Asia; the second category comprises irregular migration to the EU and in particular to the United Kingdom. The study reveals that the smugglers are able to carry on their business with relative impunity. The relationships with the smuggled migrants are mostly based on a mutual agreement with the possibility for the migrant to get refunded in case where he would fail to reach the destination state. The final chapter of the report puts forwards final recommendations for future technical assistance programmes.

UNODC, Organised crime and irregular migration from Africa to Europe, July 2006

This document explores the extent to which irregular migration from Africa to Europe is facilitated by organized crime. It is a rapid assessment based on open-source documents. It incorporates the findings of a UNODC mission conducted to Senegal, Mauritania, Gambia, Mali and Sierra Leone in June 2006. This document opens with a look at the size of the potential market for organized crime: the number of irregular migrants, the nations most affected, and the specific routes used by the smugglers. It then looks at the smugglers themselves their identities, their motivations, and the abuses they are willing to inflict on their human cargo. While the real extent of the profits to be made in smuggling human beings from Africa to Europe is only known to the smugglers themselves, the report includes a rough attempt to gauge the potential turnover of this market.

**VAN LIEMPT Ilse, “Inside perspective on the process of human smuggling”
IMESCOE Policy Brief, n°3, 2007, available at
<http://www.imiscoe.org/publications/policybriefs/index.html>**

This policy brief targets policy makers who deal with irregular migration and asylum, particularly as the fields pertain to human smuggling. This study analyses human smuggling processes into the Netherlands from Iraq, the Horn of Africa and the former Soviet Union. The paper looks at the impact of migrant smuggling on the evolution of the migration process. It also analyses the choices that are available to the migrants within this process. The brief presents an alternative perspective from which to take into account social perceptions of human smuggling, to pay more attention to diversity within smuggling processes and to accommodate the complex stories that may lie hidden in the smuggling process.

VAN LIEMPT Ilse and DOOMERNIK Jeroen: “Migrants agency in the smuggling process: the perspectives of smuggled migrants in the Netherlands”, *International Migration Journal*, vol. 44 (4) 2006

This paper focuses on migrants who have been smuggled to the Netherlands from three regions: Iraq, Horn of Africa, and the former Soviet Union. Therefore the paper intends to answer the following questions: to what extent do smugglers give direction to migration and how much autonomy do migrants themselves have in deciding where they want to travel? According to the authors, the common assumption is that smuggled migrants are recruited by criminals and have little to say within the migration process. But the relationship between the smugglers and the smuggled seems more diverse. Three different types of interactions between the smuggler and the migrant are identified. Subsequently the question is addressed how this process is related to, and interacts with, the context of Dutch migration policies. The authors concluded that the increased crackdown of the past decade on unsolicited migration in the Netherlands has not reduced the number of irregular entries while the involvement of human smugglers has been on the increase.

VAN LIEMPT Ilse “The social organisation of assisted migration”, IMES, Institute for Migration and Ethnic Studies, Amsterdam, paper presented at the 8th Metropolis Conference in Vienna, September 2003

The paper analyses the organization of smuggling of migrants as an intermediary structure for irregular migrants. Migrant’s standpoints are presented in order to understand these intermediary structures and increase predictability over the time. The relations between the migrant and the travel agents (including recruitment methods) are considered and described in details, as well as the kind of services sold. Different typologies of services to assist illegal migration are presented. The author’s conclusion is that using a travel agent has become a very common migration practice in a restrictive migration context. However, smuggling is not necessarily involved in organized crime, and different kind of strategies can coexist.

VAN LIEMT Gijsbert: “Human Trafficking in Europe: an Economic Perspective”, *Working Paper n. 31*, ILO, June 2004

According to the author, though global concern with human trafficking has grown quite dramatically in recent years, there have been few systematic attempts to comprehend and document its underlying economic dimensions. The present paper does not attempt financial estimates of the trafficking / smuggling business. It is more of a broad mapping survey, placing the concerns of trafficking/smuggling within broader migration analysis (including the role of irregular migration). It then comments on the financial flows involved in trafficking/smuggling, and on the different patterns of financing trafficking and smuggling services. It also contains a brief review of the evidence, as to the extent to which organized crime is involved in human trafficking and migrant smuggling.

WEBB Sarah and BURROWS John, “Organised immigration crime: a post-conviction study”, Research report n°15, UK Home Office, 1st July 2009

This report outlines the findings of an interview programme conducted in 2006 with 45 prisoners convicted of people smuggling and/or trafficking offences in 2005. The research was commissioned by the UK Home Office to provide a fuller understanding of the market dynamics of facilitated entry into the UK. According to the authors, whilst most studies have focused on victims, there is a significant gap in research that attempts to understand the trade in smuggling and trafficking from the perspective of the offenders themselves. A key aim of the study is therefore to strengthen the evidence base by shedding light on issues that have not been explored in previous assessments. The study describes the trafficking and smuggling process, sets out details gathered on trafficking and smuggling operators and their perceptions of the market, and outlines the information given about the victims of human trafficking and the smuggled migrants. Finally, it addresses attitudes towards the perceived risks of actions taken by the regulatory authorities. Although the prisoner sample was not representative of the whole organized immigration crime market, the study provides insight into the smugglers and traffickers self-perception of their activities and their relationship with the migrants, together with some information about their organization and *modus operandi*

ZHANG Sheldon, Smuggling and trafficking in human beings. All roads lead to America, Praeger ed. 2007, 212 p.

This book presents how smuggling and trafficking activities are carried out and explores policy challenges in combating the problem. The book is oriented towards a criminological analysis of the illicit venues and strategies employed by groups of entrepreneurs as well as criminal organizations in gaining unauthorized entry into the United States. The book focuses on migrant smuggling activities, their organizational profiles, and their operational patterns. The book concludes with putting forward recommendations for combating this phenomenon.

ZHANG Sheldon and CHIN Ko-Lin, “Snakeheads, mules, and protective umbrellas: a review of current research on Chinese organized crime”, *Crime Law Social Change*, July 2008, online review, Springer publishers

This paper reviews knowledge available about the Chinese organized crime. The authors highlight that empirical studies have dispelled the notion that traditional Chinese crime syndicates dominated transnational criminal activities. According to the authors, most of those involved in transnational crimes (at least in human smuggling and drug trafficking) were found to be otherwise ordinary individuals who use their social or familial networks to take advantage of emerging opportunities. According to the authors, the criminal underworld in China appears to be growing along two separate tracks, with transnational organized crimes operating on one track and locally based criminal organizations on the other. Both groups of criminal entities are not known to cross paths in any systemic way.

ZHANG Sheldon, CHIN Ko-Lin, and MILLER Jody, “Women’s participation in Chinese transnational human smuggling: a gendered market perspective”, *Criminology*, vol. 4 n°3 2007

According to the author, despite extensive sociological research on gender and organizations, criminologists have paid insufficient attention to how organizational context and market demands may shape the extent and nature of women’s participation in illicit enterprises. This study uses an organizational framework to examine the case of Chinese human smuggling to the United States. Drawing from interviews with 129 human smugglers, the authors propose a gendered market perspective for understanding the place of women in the human smuggling enterprise. They argue that the limited place of violence and turf as organizing features of human smuggling, the importance of interpersonal networks in defining and facilitating smuggling operations, gender ideologies about work and care giving, and the impact of safety as an overriding concern for clients combine to create a more meaningful niche for women in human smuggling operations than is found in other criminal endeavors. The research suggests that organizational and market contexts are significant explanations for gender stratification in illicit enterprises.

ZHANG Sheldon and CHIN Ko-Lin, “Enter the dragon: inside Chinese human smuggling organizations”, *Criminology*, vol. 40 n° 4, 2002, p.737-767

This paper examines the inner workings of Chinese human smuggling operations. The authors argue that contrary to widely held conceptions about Chinese organized crime, most alien smugglers are otherwise ordinary citizens whose familial networks and fortuitous social contacts have enabled them to pool the resources to transport human cargoes around the world. They come with diverse background and form temporary alliances to carry out smuggling operations. With the exception of a share commitment to making money, little holds them together. The smuggling organizations mostly resemble ad hoc task forces and are assembled for specific operations. These organizations have clear divisions of labor with limited hierarchical structures. The authors then discuss the theoretical implications of their unique organizational characteristics.

12 Executive summary

Smuggling of Migrants: A Global Review and Annotated Bibliography of Recent Publications

The purpose of this thematic review is to survey existing sources and research papers on migrant smuggling, to provide a summary of knowledge and identify gaps based on the most recent and relevant research available on migrant smuggling from a worldwide perspective. While structuring the literature review in thematic chapters, each section of the report is also divided into regional sub-chapters, in order to better illustrate knowledge, gaps and specific issues as appropriate. The research is based on the literature available in English and French, and includes well informed journalistic books, reports and academic articles. It does not aim or claim to be comprehensive.

Chapter 2 focuses on the different ways to define and conceptualize migrants smuggling (e.g. as a migration business, a security threat, or a family (network) business). It highlights prevailing confusion between migrant smuggling and other forms of organized crimes, such as trafficking in persons. The review shows that each of the theories used to conceptualize migrant smuggling have brought to light different aspects of migrant smuggling however, used separately, they do not manage to capture the many dimensions of the migrant smuggling phenomenon. Most of the existing literature suffers from a ‘Western centric’ approach; there is also an objective lack of literature produced from source countries’ prospective.

Chapter 3 provides a brief overview of the methodologies currently applied for researching migrant smuggling as available within the accessible literature. Currently, quantitative research methodologies suffer from a lack of reliable data and efforts to harmonise data gathering should be pursued as further discussed under chapter 4. The reviewed literature shows a positive evolution of the qualitative research. Despite great practical difficulties and obstacles, empirical research has significantly developed over the past years and has gained insight into the smuggling process and the actors involved. Knowledge gaps highlighted throughout the review also show that the geographical coverage should be more balanced, as there is a critical lack of information available about Central, East and Southern Africa, Asia, Latin America and the Caribbean countries.

Chapter 4 discusses the lack of adequate research methodology and tools available to accurately measure the phenomenon of migrant smuggling. The lack of harmonised methodologies makes it very difficult to compare statistical data and portray a realistic assessment of the scope of that phenomenon. According to the accessible literature, so far, the bulk of the research has been dedicated to the estimation of that phenomenon in Western Europe and in Northern America, whilst very little is known about the volume of migrant smuggling elsewhere. The literature reviewed also reveals a dual perspective about the geographical trends and smuggling routes. Recent research shows that smuggling routes are far more diverse than initially conceived and that Western-centric visions may not accurately represent the complex dynamics of migrant smuggling. It also shows the adaptability of the smuggling organizations may shift routes according to law enforcement strategies.

Chapter 5 considers information available about the social and educational background of the smuggled migrants and their role during the smuggling process. The literature reviewed shows a

great disparity of volume and quality of information available about the profile and characteristics of migrants. Further, research has been primarily produced by researchers from destination countries, while there seems to be little literature produced by transit and source countries. This outsider's perspective might have an impact on the understanding of the characteristics and profiles of the migrants. According to the sources reviewed, there is a lack of specific research devoted to vulnerable migrants - women, unaccompanied minors, and refugees - even though they seem to be an ever growing proportion of the total number of migrants smuggled worldwide.

The research reviewed under chapter 6 shows a critical lack of information about smugglers' profiles. As a consequence, part of the literature reviewed relies on stereotypes rather than on a substantial analysis. Scholars' views can be divided into two perspectives: the criminological and the sociological perspective. While the research that is currently available seems to draw a strict line between the categories of actors involved, future research should take into consideration the fact that migrants may become smugglers themselves in the course of their journey towards the destination country. Sources reviewed generally lack gender and age perspectives. Further research on the potential involvement of women and minors in smuggling activities would be very helpful to get a more accurate picture of persons currently involved in smuggling activities.

Chapter 7 considers typologies of organizational structures and actors involved in migrant smuggling activities. Despite the great disparity in the quantity and the quality of the information available about the organization of smuggling networks, there is a certain consensus about the fact that smuggling networks function according to the 'enterprise model' with large numbers of smaller, flexible crime groups or individual criminals that interact when necessary. Whilst the link with mafia and organized criminal organizations remains controversial, the research available highlights that increasingly sophisticated networks have replaced small-scale businesses in regions where anti-smuggling law enforcement strategies are particularly robust.

The literature reviewed under chapter 8 only conveys a partial assessment of the *modus operandi* used by smuggling networks around the world. Although North America and Europe – and to some extent North and West Africa - are relatively well-covered, there is comparatively very little information available in the accessible literature about Latin America, East and Central Asia, Eastern and Southern Africa. Information compiled in this chapter shows the complexity and sophistication of smugglers' *modus operandi*; in particular, document forgery and parallel banking systems allow migrants to have access to fairly expensive services. Although still scattered, the research available highlights the role of corrupt government officials in the smuggling process both in origin, transit and destination countries.

Chapter 9 looks at the human and social costs of migrant smuggling. According to the sources available, there is a lack of substantial research on the human cost of migrant smuggling and the level of information varies greatly from one region to another. Age and gender sensitive research should be further developed as testimonies have revealed the extreme vulnerability of women and minors during the smuggling process. Information about the social cost of migrant smuggling is still scattered. Future research should be developed in order to create a better understanding of the issue; this would help specialized agencies and decision makers craft effective awareness raising programmes and, in the longterm, to stem migrant smuggling in full compliance with international standards.



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